



CITY OF SILVERTON

AFFORDABLE HOUSING TASK FORCE MEETING

Silverton City Council Chambers
421 S. Water Street

Meeting to be held in person with a virtual option
Tuesday, March 19, 2024 – 6:30 p.m.

Zoom Meeting Link: <https://us02web.zoom.us/j/89210882984>

Dial in: 1 (253) 215-8782 Webinar ID: 892 1088 2984

AGENDA

- I. Call to Order, Pledge of Allegiance and Roll Call
- II. Approval of Minutes – December 19, 2023
- III. Public Comment – Items not on this Agenda
- IV. Discussion
 - 4.1 Affordable Housing Grant Program
 - a. Accessory Dwelling Unit Program, including stock plans
 - b. Overview Sisters Examples
- V. Adjournment

Americans with Disabilities Act – The City of Silverton intends to comply with the A.D.A. The meeting location is accessible to individuals needing special accommodations such as a sign language interpreter, headphones, or other special accommodations for the hearing impaired. To participate, please contact the City at 503-874-2216 at least 48 hours prior to the meeting.

A copy of the full packet is available on the City's website at www.silverton.or.us/agendacenter. In accordance with House Bill 2560 the meeting will be held electronically using the Zoom web conference platform. Please submit written comments to jgottgetreu@silverton.or.us by 3:00 p.m. on Tuesday, March 19, 2024. Comments received will be shared with the Affordable Housing Task Force at the meeting and included in the record.

1 **CITY OF SILVERTON**
2 **AFFORDABLE HOUSING TASK FORCE MINUTES**

3 **421 South Water Street and Zoom Web Conference Platform**

4
5 **December 19, 2023, 6:31 p.m.**
6

7 **I. CALL TO ORDER, PLEDGE OF ALLEGIANCE AND ROLL CALL**

8 Chair Freilinger called the meeting to order at 6:30 p.m. The task force members and staff were present
9 both in person and through the virtual meeting platform Zoom, consistent with House Bill 2560.

10
11

Present	Excused	
X		Jason Freilinger {Chairman}
X		Dana Smith
X		Karyssa Dow
X		Laurie Chadwick
X		Sarah White
X		Gene Oster
	X	Barbara Rivoli
X		Hilary Dumitrescu
X		Rebecca Delmar
X		Ray Teasley
X		Clay Flowers {Planning Commission Rep.}

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26 **STAFF PRESENT:**

27 Community Development Director, Jason Gottgetreu.
28

29 **II. APPROVAL OF MINUTES:**

30 Member Smith moved to approve the minutes of the November 21, 2023, meeting; Member Oster
31 seconded the motion, Member Flowers abstained from the vote, and it passed unanimously.

32 **III. PUBLIC COMMENT:** There were no comments.
33

34 **IV. DISCUSSION/ACTION:**

35 **4.1 Affordable Housing Development – Statement of Qualifications Review:**

36 **A). REACH Community Development Inc. (REACH) and Farmworker Housing Development**
37 **Corporation (FHDC)**

38 **B). DevNW and Ink Built**

39 **C). Hacienda Community Development Corp.**

40 **D). Home First Development and Green Light Development**
41

42 Director Gottgetreu stated the Request for Qualifications [RFQ] was released and four affordable housing
43 development firms responded. REACH Community Development Inc. (REACH) and Farmworker Housing
44 Development Corporation (FHDC) submitted jointly, DevNW and Ink Built sent a joint submittal, Hacienda
45 Community Development Corp, and lastly, Home First Development and Green Light Development
46 submitted jointly. Director Gottgetreu stated the objective for the Task Force is to review the submittals for
47 qualifications and then create a short-list to present to the City Council for the creation of a Request For
48 Proposal (RFP). Director Gottgetreu relayed the RFP will include detail and specificity from the developer
49 as for the site. The RFP will additionally include the developers' financial arrangements and requested

1 support from the City. Director Gottgetreu provided the RFQ and stated 2-3 applicants would be selected
2 for the short-list, however, if the Task Force deemed all applicants qualified, they may be presented to the
3 City Council in entirety.

4
5 Chairman Freilinger asked the Task Force what method they would like to use to rate the RFQ's.

6
7 Member Smith stated they would like to have discussion [before rating the submittals].

8
9 **Questions for Director Gottgetreu and Discussion:**

10 Member Smith stated the RFQ response from [FHDC] seemed to imply a targeted demographic potentially
11 limiting residents like their past developments.

12
13 Director Gottgetreu relayed FHDC past project on Water Street was partially funded by a Department of
14 Agriculture grant; this resulted in restricted residency.

15
16 Discussion was had on potential constraints when obtaining specific sources of funding. The Task Force
17 discussed the particularities of the RFQ responses and considered some of the verbiage non-inclusive; they
18 discussed avenues to ensure the submitters were able to develop for a diverse community with minimal
19 restraint other than income requirements.

20
21 Director Gottgetreu relayed through the RFP process the Task Force may request respondents to provide
22 how they will minimize barriers and restrictions.

23
24 Member Teasley inquired if the FHDC would be willing to construct development if 50% or less of the
25 residents were farm workers.

26
27 Member Flowers agreed with Director Gottgetreu statement and added, if a specific question is asked of a
28 respondent, the question must be asked to all. They stated in the RFP phase, specificity can be relayed
29 within the document. Member Flowers then expressed if the FHDC is receiving funding from [the
30 Department of Agriculture] what are the constraints with the funding; it could force them to [find alternate
31 funding].

32
33 Director Gottgetreu added the FHDC had submitted an example of an affordable housing development that
34 was not restricted to farm workers; the funding for the project was not associated with agriculture.

35
36 Chairman Freilinger stated they liked the respondents' submittal and wanted to ensure the developments
37 would not be limited to one specific occupation.

38
39 Member White added they have worked with FHDC Colonia Jardines managed by Evolve Management.
40 Member White stated they witnessed the complex experience challenges maintaining occupancy due to
41 specific parameters. They added Evolve Management over time adjusted the tenancy requirements.
42 Member White clarified when proposals contain culturally specific language typically it does not mean they
43 are specifically targeting the demographic, rather they are adaptive to the needs of the demographic;
44 offering services such as translators and awareness of how different cultures and subcultures utilize housing.

45
46 Member Delmar added the FHDC has worked with Silverton in the past bringing institutional knowledge
47 that may be beneficial.

48
49 Member Oster stated they did not see any issue with the four respondents' submittals, they would like to
50 see them progress to the next phase [RFP].

1 Member Smith stated they believe the Task Force received four strong candidates; they would like to see
2 all four candidates for the next phase [RFP]; however, the [RFP] is a lot of work so if the Task Force is
3 leaning towards two then [they understand].
4
5 Member White asked for clarification on the goal for the meeting.
6
7 Director Gottgetreu stated the meeting is to create a recommendation for City Council to select a short-list
8 of firms to progress responding to the RFP. The RFP responses would be a site-specific submittal, financial
9 plan, and required accommodations from the City. The Task Force may choose how many applicants to
10 propose to Council.
11
12 The Task Force discussed the potential of moving forward with all four applicants or narrowing down the
13 options.
14
15 Member Smith suggested the Task Force try to narrow the responses down to two in fairness to the
16 applicants and themselves.
17
18 The Task Force agreed.
19
20 Member Flowers referred to the project vision portion of the RFQ submittals and stated the presentation
21 from REACH/FHDC stood out to them as they listed AMI for one-, two-, and three-bedroom units. Member
22 Flowers added the alternative respondents did not provide a thorough overview, they then elaborated on
23 each submittal.
24
25 Member Teasley and Director Gottgetreu discussed the potential of having a presentation from the RFQ
26 respondents once the RFP process has begun.
27
28 Member Teasley stated DevNW was the only respondent who had experience with owner occupied Land
29 Trusts, they also provided an open subjective Silverton-centric proposal. Member Teasley was in favor of
30 DevNW and the REACH/FHDC submittals.
31
32 Member Dow referred to DevNW submittal and stated they liked their presentation and conceptual design
33 submitted, they were in favor of the applicant.
34
35 Member Oster stated the project is groundbreaking for the City and they did not want to make a mistake
36 [choosing an applicant] to avoid reading additional material. Member Oster, in short, stated they would like
37 to see the four respondents have a chance to present an RFP to receive additional information.
38
39 Member White stated they like the DevNW submittal, it seemed an appropriate scale for the community,
40 the alternative applicants had an urban-centric with a massive scale. Member White stated they want to find
41 a developer that will adapt and respond to the communities' character and desire. Member White added
42 DevNW highlighted development diversity within their submittal which the Task Force had been wanting.
43 Member White was in favor of DevNW and the FHDC/REACH submittals.
44
45 Member Delmar added their impression of the process was to choose a partner to embark on the
46 development project, not a competitive process. They stated in their opinion narrowing the applicants to
47 two firms who have the depth of experience and knowledge the Task Force needs to develop the site.
48
49 Chairman Freilinger said they believe all the submittals relayed an array of knowledge and depth; any of
50 the applicants would be qualified. Narrowing things to creativity and initiative, Chairman Freilinger felt
51 DevNW displayed this best and understood specifically what the Task Force was looking for especially

1 with the diversified housing types they shared. Chairman Freilinger shared a red flag they experienced with
2 Home First Development, reading through their proposal Chairman Freilinger did not feel the focus was on
3 AMI. Chairman Freilinger was in favor of DevNWs' submittal.
4

5 Member Smith stated the FHDC submittal felt formulated and they saw lots of big boxes. The submittal
6 felt like a big urban project, which they are good at, but it is not what the [Task Force] wants; they did not
7 want to omit them completely if they were able to pivot. Member Smith liked that the FHDC submittal
8 stated the firm was focused on energy-based building with the amenities they listed. Member Smith
9 elaborated on the pros of the FHDC submittal.
10

11 Member Smith stated they liked that DevNW served a six-county region. They have forty years of
12 experience and Ink Built is a woman own business with great energy. Member Smith moved on to provide
13 positives of the DevNW/Ink Built submittal.
14

15 Member Smith went over the Hacienda Community Development Corp. submittal, they recited an excerpt
16 that stated the firm wanted to develop two-story garden style affordable housing apartments with an
17 emphasis on communities of color with an AMI of 30-60%. Member Smith relayed they do not know if
18 there are enough communities of color and the Task Force wants a community that is diverse.
19

20 Member Smith referred to the Home First and Green Light Development submittal, they stated the firms
21 have deep experience with the financing portion of the project and referred to page ninety-seven of the
22 firms' document. In summary Member Smith said they were in favor of the first two firms.
23

24 Chairman Freilinger initiated conversation to narrow down the applicants.
25

26 Task Force members stated their favored firms resulting in the majority preferring Dev NW and Reach,
27 Member Oster abstained from providing vote.
28

29 The Task Force discussed the structure for the next phase of the project being presented to City Council.
30 They discussed the potential for a joint meeting and presentations from the two chosen firms.
31

32 Director Gottgetreu confirmed the joint meeting was a good idea. The structure of the meeting was then
33 discussed with the Task Force collectively.
34

35 **REPORTS AND COMMUNICATIONS:**

36 Director Gottgetreu informed the Task Force the wetland delineation for the Westfield property has been
37 preliminarily completed and submitted to the Department of Stand Lands for concurrence. The consultants'
38 findings have shown the drainage way through the property is not a jurisdictional wetland.
39

40 Chairman Freilinger asked for an update on the potential ADU program.
41

42 Director Gottgetreu stated the original ADU program had not come to fruition.
43

44 Discussion was had on the process for the potential SDC waiver to implement a City directed ADU
45 program.
46

47 **V. ADJOURNMENT:**

48 The meeting adjourned at **8:01pm**

49 /s/ Cleone Cantu, Planning and Permit Assistant.

**City of Silverton - Community Development
Department**

306 South Water Street
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(503) 874-2212

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MEMO

DATE: March 14, 2024
FROM: Jason Gottgetreu, Community Development Director
TO: Silverton Affordable Housing Task Force
RE: Affordable Housing Grant Program

Staff continues to work on the Accessory Dwelling Unit (ADU) program and is looking to propose a broader approach than just an System Development Charge (SDC) Waiver program by creating an Affordable Housing Fund within the Budget to be able to add additional programs/support in addition to an ADU SDC waiver program.

ADU Program

The City recently switched to a Scaled System Development Charge Methodology that charges SDCs based on the size of the dwelling and now includes additions to Single Family Dwellings. ADUs are calculated as additions to Single Family Dwellings. The methodology is a dynamic calculation where an 800 square foot ADU could be charged \$1,000 or \$8,000 depending on the size of the existing home. As such, creating a one size fits all ADU SDC waiver program may be problematic as the program would have to consider the higher end of the costs being waived, which would potentially make a lot of potential ADUs not want to participate if the requirements to qualify for the program are too high.

For instance, if the program requires ADUs to be rented at a below market rent for a period of 6 years, say at \$100 less per month, that would equate to \$1,200 in lost revenue per year, or \$7,200 for the 6 years. If the ADU would have been charged the higher end of the SDC scale of \$8,000, then it would make financial sense for the person building the ADU to opt into the program. If the ADU was at the lower end of the SDC scale of \$1,000, then it would not make financial sense to opt into the program to have to rent at below market rates for six years.

If there were a dynamic approach to the SDC waiver program, such as the length of time a unit would have to be rented at below market rates being tied to the amount of SDCs being waived, then there could be more instances where it would make financial sense for people to participate in the program. If an ADU was at the lower end of the SDC scale of \$1,000 and only had to rent the ADU at below market rates for one year, then it would make financial sense to opt into the program.

Another policy decision needed for an ADU SDC Waiver program would be the target rent in terms of a percentage of Area Median Income (AMI). Currently, Silverton's AMI is \$75,167.

Affordable rent for someone making 80% AMI would be \$1,503 and would be \$1,128 for someone making 60% AMI.

	Silverton 60% AMI		Silverton 70% AMI		Silverton 80% AMI	
	AMI	\$75,167	AMI	\$75,167	AMI	\$75,167
		60%		70%		80%
	60% AMI	\$45,100	70% AMI	\$52,617	80% AMI	\$60,134
	Aff Rent YR	\$13,530	Aff Rent YR	\$15,785	Aff Rent YR	\$18,040
	Monthly Rent	\$1,128	Monthly Rent	\$1,315	Monthly Rent	\$1,503
	Assumed Utility Cost		\$50			
	Home Equity Line of Credit (HELOC) Financing					
	<u>ADU Construction Cost of \$150,000, assumed \$90,000 in increased Tax Assessed Value</u>					
	ADU					
	\$150k loan	at 9% APR 20 year	\$150k loan	at 9% APR 20 year	\$150k loan	at 9% APR 20 year
	Payment	\$1,350	Payment	\$1,350	Payment	\$1,350
	Add Tax Month	\$131	Add Tax	\$131	Add Tax	\$131
	Pay + Tax + Utl	\$1,531	Pay + Tax + Utl	\$1,531	Pay + Tax + Utl	\$1,531
	Month Net	-\$403	Month Net	-\$216	Month Net	-\$28
	Annual Net	-\$4,842	Annual Net	-\$2,587	Annual Net	-\$332
	Home Equity Line of Credit (HELOC) Financing					
	<u>ADU Construction Cost of \$125,000, assumed \$75,000 in increased Tax Assessed Value</u>					
	ADU					
	\$125k loan	at 9% APR 20 year	\$125k loan	at 9% APR 20 year	\$125k loan	at 9% APR 20 year
	Payment	\$1,125	Payment	\$1,125	Payment	\$1,125
	Add Tax Month	\$109	Add Tax Month	\$109	Add Tax Month	\$109
	Pay + Tax + Utl	\$1,284	Pay + Tax + Utl	\$1,284	Pay + Tax + Utl	\$1,284
	Month Net	-\$156	Month Net	\$31	Month Net	\$219
	Annual Net	-\$1,878	Annual Net	\$377	Annual Net	\$2,632
	* SDCs have a variable rate for an ADU they could be \$0 or up to \$8,000 depending on the size of the existing home					
	If \$8,000 were removed from the loan amount, the monthly payment would be reduced by about \$73					

The above table tries to analyze the cost to construct and ADU with a Home Equity Line of Credit, the additional taxes incurred, and the additional utility costs to determine where it may be feasible to rent ADUs at affordable rates to different AMI levels.

Another policy discussion would be administration and how to go about if a property does not follow through with renting the ADU at the prescribed rent level. Should the City require the property owner to provide some type of documentation annually to show that rent levels have been met? Should a lien be placed on the property in the amount of the SDC waiver that would be removed once the determined time has elapsed?

Wavra Design Co, a local design company, has provided three preliminary stock ADU plans for review and comment, including a 400 square foot studio, a 576 square foot 1 bedroom, and a 784 square foot 2 bedroom. The preliminary plans are attached to this memo.

Overview of Sisters Affordable Housing Grant Program

The City of Sisters created an Affordable Housing Grant Program to facilitate affordable housing. The above ADU program could reside in an Affordable Housing Grant Program, which could be a Fund within the City's budget to allocate funds for the SDC Waiver to backfill the SDC funds that are waived and define a limit of how much SDCs would be able to be waived per year. This is intended to prevent the City creating a program that would be a blank check that has no upper limit on the amount of funds that would be forgone.

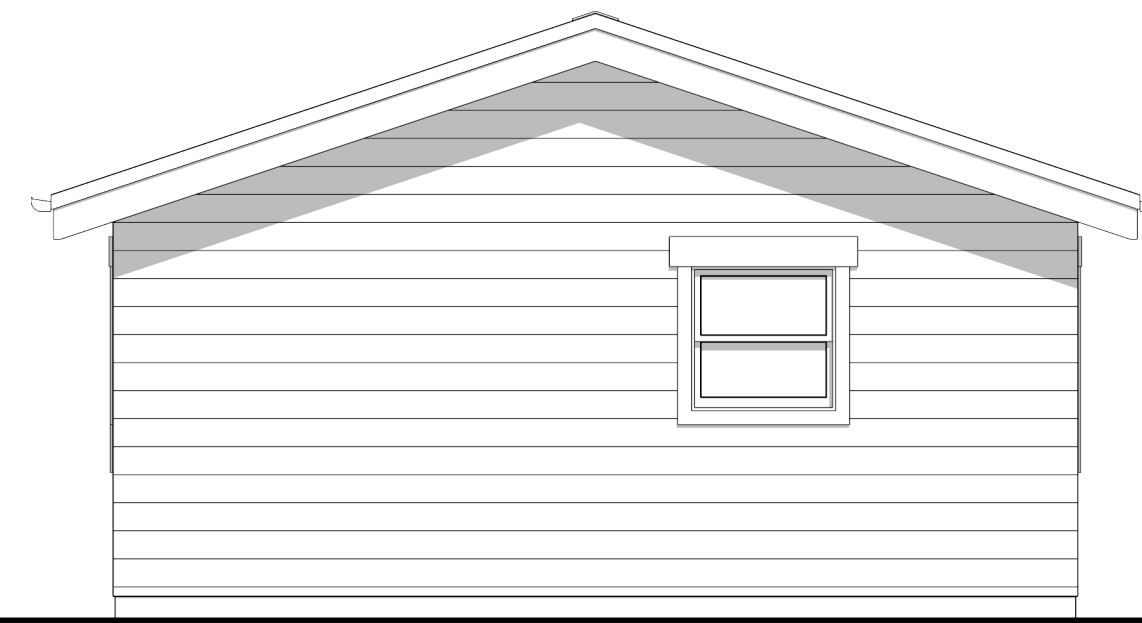
In addition to a prescribed ADU Program, an Affordable Housing Grant Program would allow additional flexibility and options for affordable housing developers, or for-profit developers that want to create affordable housing units, to access funds for those projects. Funding for the program could be a General Fund allocation and/or the implementation of a Construction Excise Tax (CET). CET has previously been discussed with the Task Force and at the time the estimate was that about \$50,000 could be collected via a CET per year.

The Sisters Notice of Funding, Grant Application, and adopting Ordinance are attached to this memo. The Sisters webpage for the program can be found at the following link, <https://www.ci.sisters.or.us/community-development/page/affordable-housing-grant-program> And the Code language that was adopted as part of the ordinance can be found here, <https://www.codepublishing.com/OR/Sisters/#!/Sisters03/Sisters0325.html#3.25>



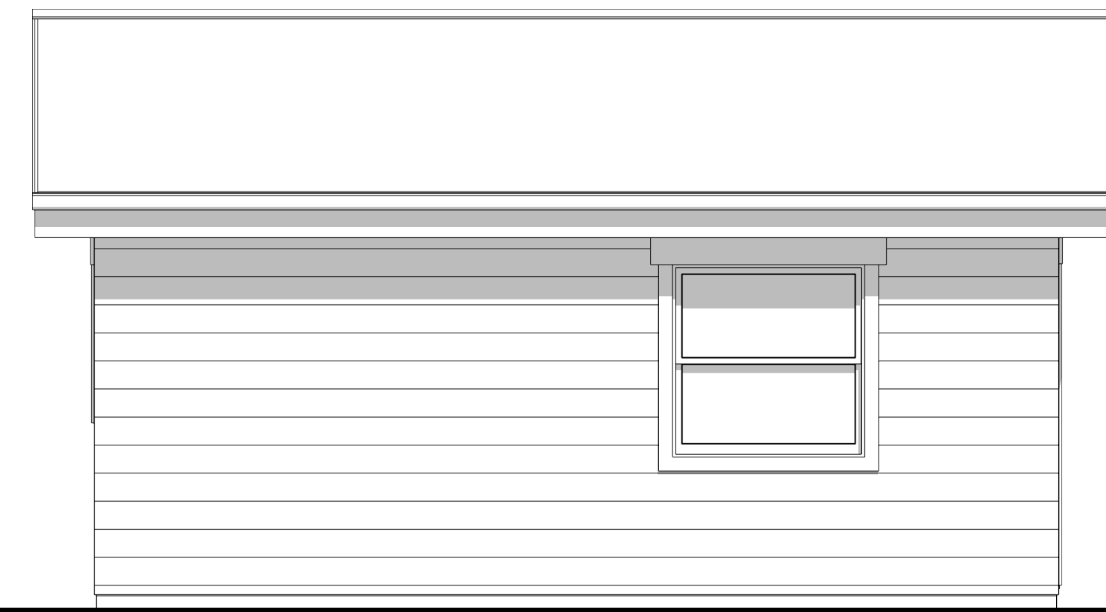
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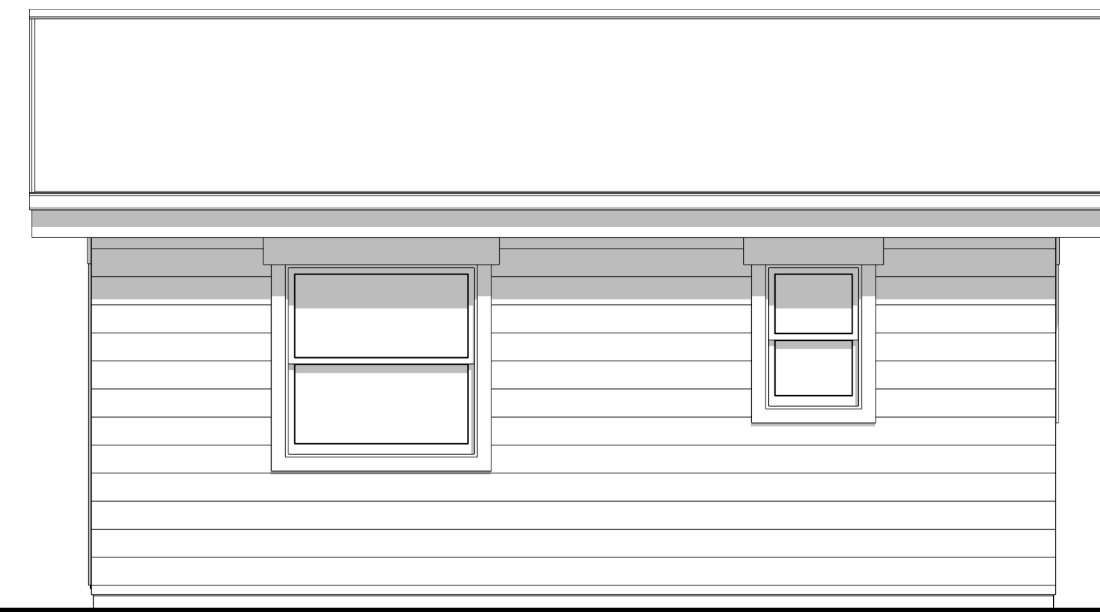
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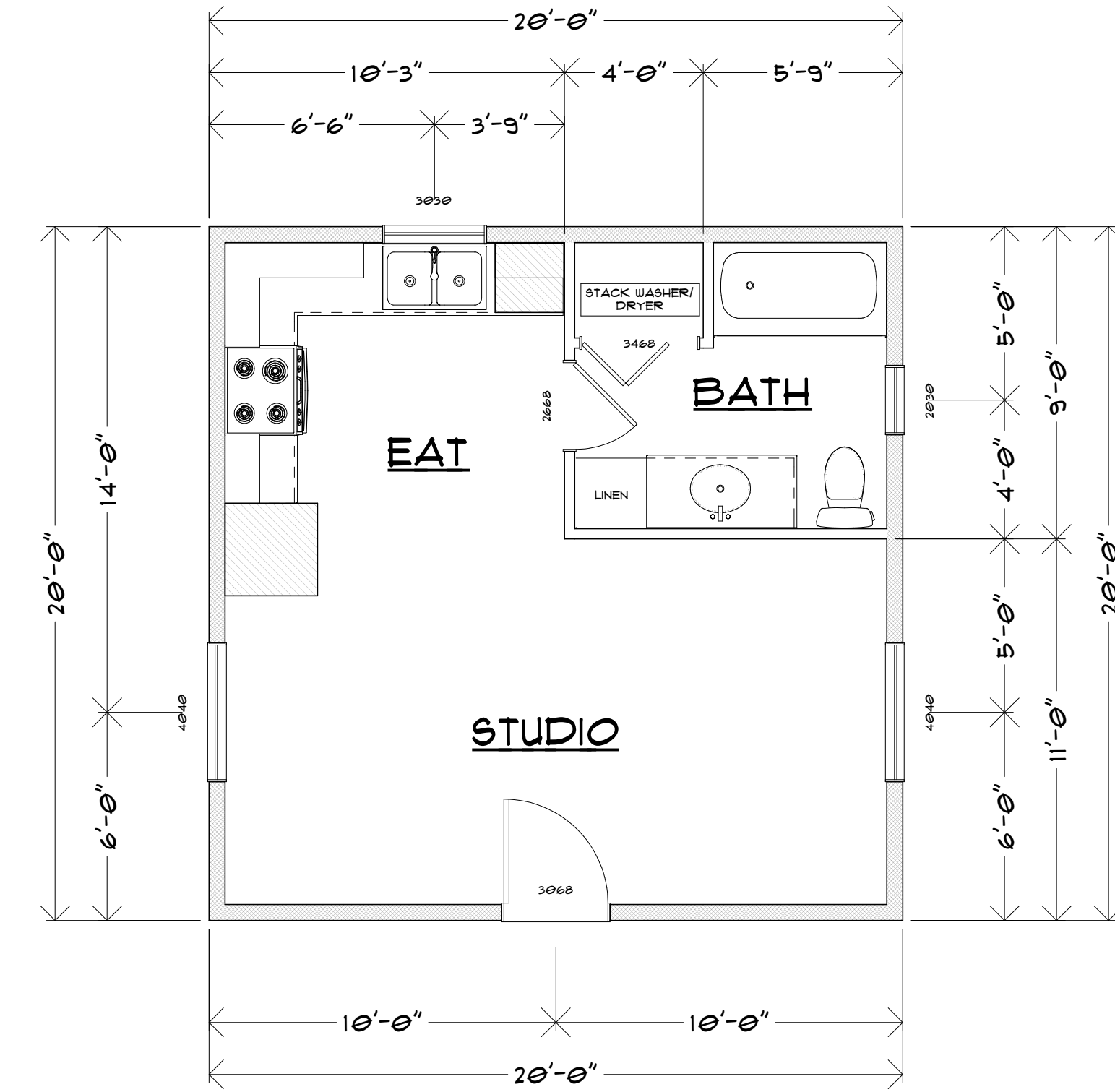
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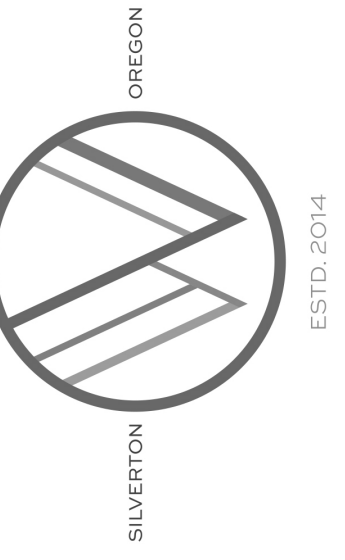


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LIVING AREA
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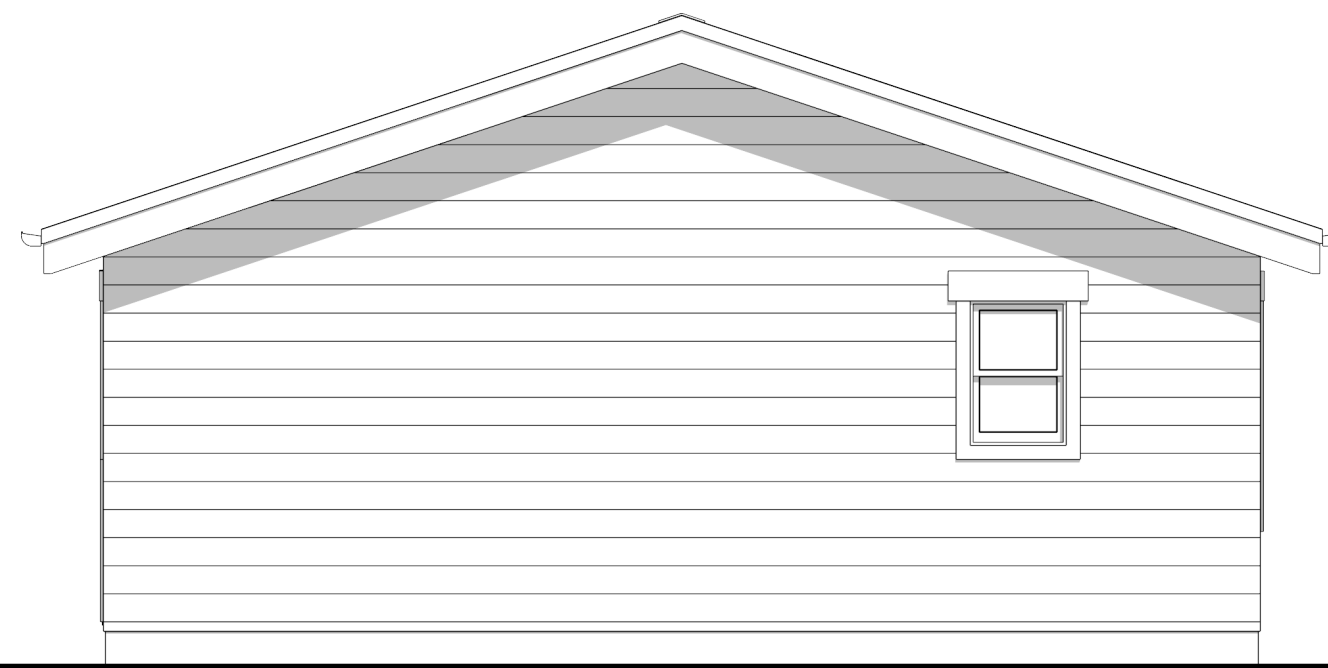
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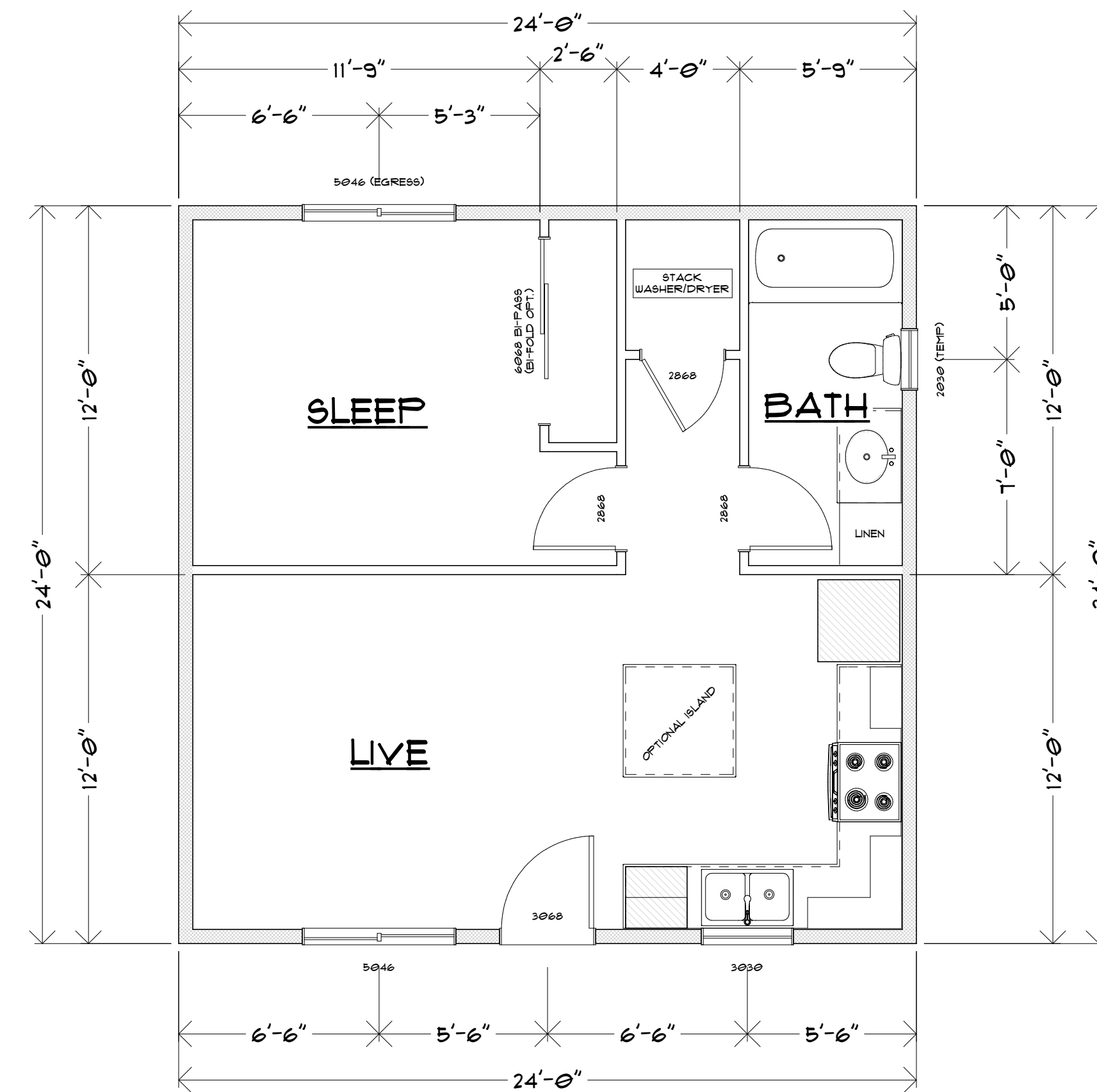
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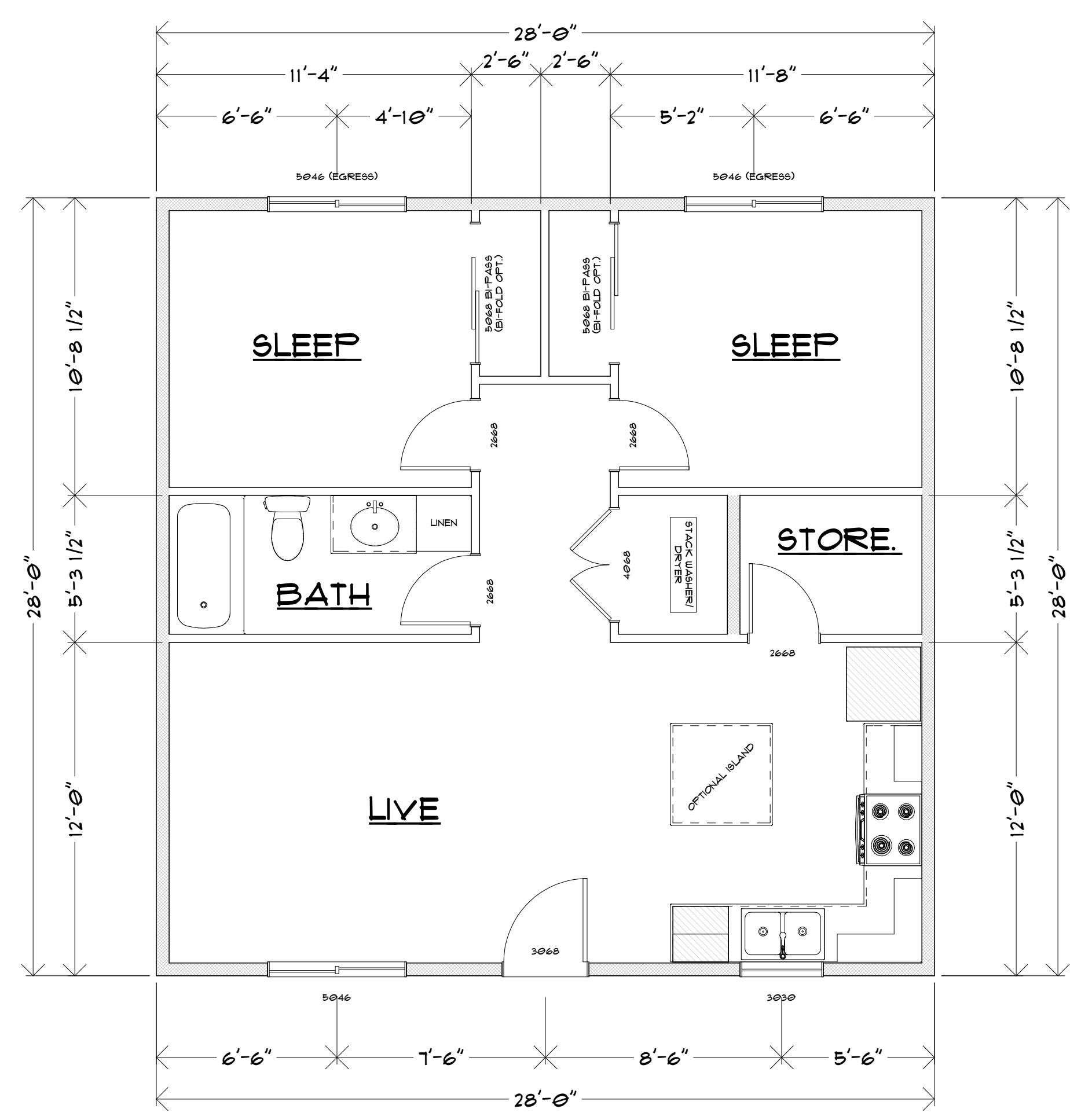
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SCALE 1/4" = 1'0"



PLAN USE NOTE:

DESIGNER IS NOT AN ARCHITECT OR ENGINEER AND ASSUMES NO LIABILITY FOR THE PLANS IN PART OR WHOLE AND/OR THE CONSTRUCTION OF THE WORK CONTAINED HEREIN. A QUALIFIED PROFESSIONAL SHOULD REVIEW PLANS FOR ERRORS AND OMISSIONS. THESE PLANS SHOULD NOT BE UNDERTAKEN WITHOUT THE ASSISTANCE OF A QUALIFIED CONSTRUCTION PROFESSIONAL. THESE PLANS ARE INTENDED TO BE GUIDELINES FOR CONSTRUCTION. THE CONTRACTOR RESERVES THE RIGHT TO MAKE SUCH MINOR DEVIATIONS AS DEEMED NECESSARY AS LONG AS SUCH DEVIATIONS PROMOTE THE OVERALL EFFICACY AND AESTHETICS OF THE PLAN. CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB. DESIGNER MUST BE NOTIFIED OF ANY DISCREPANCIES OR VARIATIONS OF AND FROM THESE DRAWINGS PRIOR TO WORK ON THE JOB.

R106.3.1 APPROVAL OF CONSTRUCTION DOCUMENTS

WHERE THE BUILDING OFFICIAL ISSUES A PERMIT, THE CONSTRUCTION DOCUMENTS SHALL BE APPROVED IN WRITING OR BY A STAMP THAT STATES "REVIEWED FOR CODE COMPLIANCE." ONE SET OF CONSTRUCTION DOCUMENTS SO REVIEWED SHALL BE RETAINED BY THE BUILDING OFFICIAL. THE OTHER SET SHALL BE RETURNED TO THE APPLICANT, SHALL BE KEPT AT THE SITE OF WORK, AND SHALL BE OPEN TO INSPECTION BY THE BUILDING OFFICIAL OR A DULY AUTHORIZED REPRESENTATIVE. CONSTRUCTION DOCUMENTS SHALL BE APPROVED IN THE TIMELINES SPECIFIED IN ORS 455.461.

PLANS MUST BE APPROVED AND STAMPED BY THE LOCAL BUILDING DEPARTMENT. ONLY BUILDING OFFICIAL APPROVED PLANS TO BE USED FOR CONSTRUCTION PURPOSES.

111 S. FIRST STREET
SILVERTON, OR
WAVRADESIGNCO@GMAIL.COM
WAVRADESIGNCO.COM
PH. 503-932-4134

THESE PLANS HAVE BEEN LICENSED TO THE CUSTOMER FOR USE IN CONSTRUCTION OF ONE BUILDING ONLY AND ARE SUBJECT TO THE CONDITIONS OF LICENSE ACCEPTED BY THE CUSTOMER. MULTI-USE LICENSE OPTIONS ARE AVAILABLE UPON REQUEST. USE OF ANY PART OF THE PLANS BY ANY PARTY OTHER THAN THE CUSTOMER NECESSARY TO ASSIST THE CUSTOMER AND USING THE PLANS SUCH AS CONTRACTORS AND SUBCONTRACTORS IS STRICTLY PROHIBITED. THE PLANS MAY NOT BE REPRODUCED OR COPIED IN WHOLE OR IN PART WITHOUT WRITTEN PERMISSION FROM WAVRA DESIGN CO. LLC. WAVRA DESIGN CO. RETAINS COPYRIGHTS TO AND OWNERSHIP OF THESE PLANS. WAVRA DESIGN CO. PREPARES ITS PLANS CAREFULLY FOR USE BY ITS CUSTOMERS. HOWEVER, ADAPTATION OF THE PLANS TO MEET SPECIFIC STATE AND LOCAL BUILDING CODES, REGULATIONS AND SPECIFIC SITE CONDITIONS IS THE RESPONSIBILITY OF THE CONTRACTOR/USER. IN ADDITION WAVRA DESIGN CO. WILL NOT BE RESPONSIBLE FOR ANY DAMAGES RELATING TO THE ACCURACY AND OVERALL INTEGRITY OF THE PLANS IN EXCESS OF THE LICENSE FEE PAID FOR THEIR USE. THE CONTRACTOR THEREFORE MUST CAREFULLY INSPECT ALL DIMENSIONS AND DETAILS IN THE PLANS FOR ERRORS AND/OR OMISSIONS UNAUTHORIZED USE OR COPYING OF THESE PLANS FOR THE DESIGN THEY DEPICT INFRINGES RIGHTS UNDER THE COPYRIGHT ACT.



PRESS RELEASE

520 E. Cascade Avenue - PO Box 39 - Sisters, Or 97759 | ph.: (541) 549-6022 | www.ci.sisters.or.us

FOR IMMEDIATE RELEASE

January 12, 2024

Media Contact: Scott Woodford
Community Development Director
swoodford@ci.sisters.or.us
Sisters, Oregon

Notice of Funding Opportunity

Funding Opportunity Title: City of Sisters Affordable Housing Grant Program

Applications Available: January 12, 2024

Deadline for Applications: March 1, 2024

Awarded Funds Available: Starting July 1, 2024

Program Description: The City of Sisters established an affordable housing program to offer eligible agencies and private developers grant and/or loan funds for purposes of constructing and offering affordable housing to low-and moderate-income persons in the City.

Eligibility Information

Eligible Applicants: The applicant must be (a) a housing authority, (b) a qualified nonprofit organization that constructs affordable housing, or (c) a for-profit developer of affordable housing for low- and moderate-income households.

Other Eligibility Requirements: The applicant must demonstrate compliance with all eligibility requirements and conditions including, without limitation: the project for which program funds are sought must be an eligible qualified project and the applicant must apply for program funds on the City's current program application.

Application Package: Application forms for program funds will be available at Sisters City Hall or at www.ci.sisters.or.us by January 12, 2024. Each application must be filed with the administrator no later than March 1, 2024. Each application must contain all information and documentation City may require, including, without limitation, the following:

- (a) The date of the application and the applicant's name, address, contact information, and the signature of the applicant's authorized representative.



PRESS RELEASE

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- (b) A description of the proposed project, including, without limitation, the type of housing, the proposed project location (i.e., identification of the real property of which the proposed project concerns), a timeline for project completion, and such additional information city deems necessary or appropriate to demonstrate that the proposed project will satisfy the eligibility requirements of a qualified project.
- (c) The amount of program funds requested and the purposes for which the program funds will be used (including, without limitation, identification of all eligible qualified expenses).
- (d) The project pro forma, including, without limitation, identification of funding sources to be used in connection with the proposed project. Applications must include evidence that all other funding commitments (e.g., conventional construction and permanent loans, subsidies and loans, and/or low-income housing tax credits) have been, or are anticipated will be, obtained. If applications to other funding programs are due after submission of the program application, the applicant will submit documentation that the proposed financing structure is expected to meet other source requirements and the timeline for applying and receiving award notification from other funders. If requested by the administrator, the applicant will provide a copy of the application to be submitted to other funding sources.
- (e) Certification that the applicant is current on all City accounts. The applicant may not be delinquent on any City accounts (e.g., utility accounts) and all property taxes for the property(ies) identified in the application must be paid at the time of application.
- (f) All other information that the administrator deems necessary and/or appropriate to enable city to review the application and determine eligibility for the program funds

For more information on this program go to this link: [Affordable Housing Program \(https://www.ci.sisters.or.us/community-development/page/affordable-housing-grant-program\)](https://www.ci.sisters.or.us/community-development/page/affordable-housing-grant-program) or contact Scott Woodford, Community Development Director at swoodford@ci.sisters.or.us or call 541-323-5211.

CITY OF SISTERS AFFORDABLE HOUSING PROGRAM APPLICATION

APPLICANT INFORMATION		
Applicant Name (including DBA):	Telephone No.:	
Applicant Address:		
Applicant Email:	Authorized Agent:	
<p>Applicant is (please check the applicable box):</p> <input type="checkbox"/> a housing authority <input type="checkbox"/> a qualified non-profit organization that constructs affordable housing <input type="checkbox"/> a for-profit developer of affordable housing for low- and moderate-income households		
<p>Complete the following by attaching separate page(s) to this application:</p> <p>1. A description of the proposed project, including, without limitation, the type of housing, the proposed project location (i.e., identification of the real property of which the proposed project concerns), a timeline for project completion, and any additional information to demonstrate that the proposed project will satisfy the eligibility requirements of a "qualified project" under City's Affordable Housing Program (Ordinance No. 495) (the "Program").</p> <p>2. The amount of Program funds requested and the purposes for which the Program funds will be used (including, without limitation, identification of all eligible qualified expenses).</p> <p>3. The project pro forma, including, without limitation, identification of funding sources to be used in connection with the proposed project. Include evidence that all other funding commitments (e.g., conventional construction and permanent loans, subsidies and loans, and/or low-income housing tax credits) have been, or are anticipated will be, obtained.</p>		
CERTIFICATION		
<p>The undersigned Applicant (or authorized agent) hereby declares under penalty of perjury as follows: (a) Applicant is current on all City of Sisters accounts; (b) Applicant has read and agrees to comply with the Program; and (c) Applicant will enter into all applicable grant, loan, and/or Program documents and comply with all terms and conditions thereof, including, without limitation, the project affordability requirements.</p>		
Applicant Signature:	Date:	
FOR CITY USE ONLY		
<p>This application has been submitted to City. Please review the Applicant's information above. If necessary, contact the Applicant for further information. If you require additional space for comments, please attach your comments by separate page to this application.</p>		
Administrator		
<p>Does the Applicant meet the eligibility requirements contained in the Program? Yes <input type="checkbox"/> No <input type="checkbox"/></p>		
<p>Does the proposed project comply with the Program? Yes <input type="checkbox"/> No <input type="checkbox"/></p>		
<p>Recommendation – Approve Funding Request: Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please identify the recommended type of award (i.e., grant and/or loan) and award amount(s).</p>	Comments:	
Signature:	Date:	
Council		
<p>Approve Funding Request: Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, complete the "Approved Request" section below.</p>	Comments:	
Mayor's Signature:	Date of Council's Decision:	
Approved Request		
Type(s) of Funding: _____	Funding Amount(s): _____	Affordability Period: _____
<p>Collateral Required? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please attach a separate page containing a description of the collateral.</p>		
<p>Please list any conditions of approval.</p>		

ORDINANCE NO. 495

AN ORDINANCE OF CITY OF SISTERS ADOPTING AN AFFORDABLE HOUSING PROGRAM FOR PURPOSES OF CREATING AND PRESERVING AFFORDABLE HOUSING IN CITY.

WHEREAS, City of Sisters ("City") has determined that City lacks sufficient affordable housing inside City's incorporated limits; and

WHEREAS, Section 42(3) of the 2003 Sisters City Charter (the "Charter") provides that City may waive City's system development charges ("SDC(s)") for affordable housing provided by nonprofit organizations provided the housing is affordable for a period of fifty (50) years; and

WHEREAS, subject to and in accordance with the Charter, City has granted certain requests to waive SDCs for affordable housing provided by nonprofit organizations; and

WHEREAS, City desires to collaborate with agencies and private developers to provide permanent, new affordable housing opportunities within City's incorporated limits, including, without limitation, providing support for agencies and private developers who provide safe, comfortable, and affordable housing; and

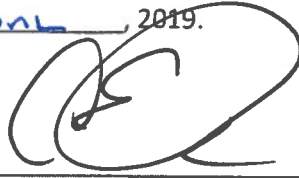
WHEREAS, by adoption of this Ordinance 495 (this "Ordinance"), the Sisters City Council (the "Council") desires to establish a program and guidelines to subsidize costs of constructing affordable housing in City.

NOW, THEREFORE, City of Sisters ordains as follows:

1. Findings. The above-stated findings are hereby adopted.
2. Affordable Housing Program Established. Council hereby establishes the City of Sisters Affordable Housing Program (the "Program"). The Program will be implemented and administered in accordance with the Program terms and conditions attached hereto as Exhibit A.
3. Miscellaneous. All pronouns contained in this Ordinance and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. Any reference to a particular law, statute, rule, regulation, code, or ordinance includes the law, statute, rule, regulation, code, or ordinance as now in force and hereafter amended. 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.

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This Ordinance was PASSED by the City Council by a vote of 5 for and 0 against and APPROVED by the mayor on this 10 day of April, 2019.



Chuck Ryan, Mayor

ATTEST:



Kerry Prosser, City Recorder

Exhibit A
City of Sisters Affordable Housing Program
[attached]

Exhibit A
City of Sisters Affordable Housing Program

1. Purpose. The purpose of this ordinance is to establish the administrative framework pursuant to which city may grant or loan funds for qualified affordable housing projects located in city that benefit low- and moderate-income persons.

2. Program Established. City establishes this affordable housing program to offer eligible agencies and private developers grant and/or loan funds for purposes of constructing and offering affordable housing to low- and moderate-income persons in city.

3. Definitions. For purposes of this ordinance, the following terms and phrases have the meanings assigned to them below:

“Affordability period” means the period commencing on the date which a qualified project receives a certificate of occupancy or final inspection, whichever is later, and ending ten years from such date; provided, however, council may increase or shorten the ten-year affordability period for a project if (a) circumstances necessitate a longer or shorter affordability period, as determined by council in council’s sole discretion, and/or (b) applicable law, including, without limitation, the 2003 Sisters Charter, requires a longer affordability period.

“Administrator” means the city manager or such other individual designated by council from time to time to administer the program.

“AMI” means area median income.

“Applicant(s)” means the person applying for program funds.

“City” means City of Sisters, Oregon.

“City council” or “council” means city’s then elected legislative body.

“City manager” means city’s then appointed city manager or his or her designee(s).

“Code” or “SMC” means the Sisters Municipal Code.

“Grant, loan, and/or program document(s)” means city’s program documents in form and content acceptable to city and such other restrictive covenants, trust deeds, security agreements, assignments, UCC financing statements, subordination agreements, guarantees, documents, and/or instruments city may require to effectuate any program grant and/or loan, including, without limitation, those program documents identified under Section 9.2 and/or Section 9.3.

“Housing needs analysis” means city’s then existing housing plan and/or housing needs analysis adopted by city, as amended from time to time.

“HUD” means United States Department of Housing and Urban Development or HUD’s successor.

“Income-qualified person(s)” means (a) as applied to owner-occupied or lease-to-purchase housing, a person or group of persons whose household income does not exceed one-hundred twenty percent (120%) of AMI for Deschutes County as calculated and adjusted for household size from time to time by HUD, and/or (b) as applied to rental housing, a person or group of persons whose household income does not exceed one-hundred percent (100%) of AMI for Deschutes County as calculated and adjusted for household size from time to time by HUD.

“Person” means any natural person, corporation, limited liability company, partnership, limited liability partnership, joint venture, firm, association, trust, incorporated organization, and/or any other entity, whether acting in an individual, fiduciary, or other capacity.

“Program” means the City of Sisters Affordable Housing Program described in this ordinance.

“Program funds or funds” means grant and/or loan funds provided by city under the program.

“Project” means the proposed development for which an applicant requests program funds which may include, without limitation, multi-family housing, single-family residence(s), and/or other dwelling unit(s); provided, however, the term “project” does not include rehabilitation projects.

“Qualified expense(s)” means land use fees, building permit fees, material and supply costs and expenses, and such other fees, costs, and expenses arising out of the development and construction of a qualified project; “qualified expense(s)” may include, without limitation, costs and expenses for the acquisition of real property on which a qualified project will be constructed.

“Qualified project(s)” means a project located in city’s incorporated limits that is (a) owner-occupied or lease-to-purchase housing for households with an income at or below one-hundred twenty percent (120%) of AMI for Deschutes County as calculated and adjusted for household size from time to time by HUD, or (b) rental housing for households with an income at or below one-hundred percent (100%) of AMI for Deschutes County as calculated and adjusted for household size from time to time by HUD.

“SDC” means the Sisters Development Code.

“Transfer” means any transfer, including, without limitation, any sale, conveyance, exchange, gift, lease (excepting a tenant lease in the ordinary course), encumbrance, and/or foreclosure of an encumbrance, regardless of whether the transfer occurs voluntarily or involuntarily, by operation of law, or because of any act or occurrence.

4. Program Administrator. The administrator has the authority to implement, administer, and manage the program, including, without limitation, the authority to interpret the program and this ordinance. Notwithstanding this broad authority, the administrator will act reasonably, in compliance with applicable federal, state, and local laws, regulations, and ordinances, and in a manner the administrator reasonably believes is in city’s best interests. The decision of the administrator on any given matter will not set any precedent nor bind future decisions of the administrator.

5. Annual Appropriation. Available program funds will be determined and subject to appropriation each fiscal year by resolution of the council. The amount of financial assistance may be increased or decreased at any time by council resolution. Council may limit or elect not to provide

funding for the program in any fiscal year. Council will attempt to provide notice of available program funding (if any) each fiscal year; provided, however, council will attempt to provide additional notice of any program funds available after March 1. If program fund requests exceed funding provided by the council, council will determine program participation based upon what the council determines is in city's best interests. At all times, city's financial assistance under the program will be based on availability of funds in city's program budget at the time of application and, if applicable, any subsequent fiscal year(s). Notwithstanding anything contained in this ordinance to the contrary, city will not be obligated to provide any program funding if sufficient funding is not then available.

6. Funding. Subject to the provisions of this ordinance, city may, in city's sole discretion, grant and/or loan program funds to an applicant satisfying all program requirements in an amount not to exceed the amount requested in the applicant's application. Program funds provided to an applicant may consist of grant funds, loan funds, and/or a combination of grant and loan funds. Notwithstanding anything contained in this ordinance to the contrary, grant and/or loan funds provided under the program will be used for qualified expenses and for no other purposes.

7. Minimum Eligibility Requirements. In addition to any eligibility requirements and/or conditions that the administrator may impose, to be eligible for program funds, an applicant must demonstrate compliance with all eligibility requirements and conditions imposed under this ordinance, including, without limitation, the following minimum requirements: (a) the applicant must be (i) a housing authority, (ii) a qualified non-profit organization that constructs affordable housing, or (iii) a for-profit developer of affordable housing for low- and moderate-income households; (b) the project for which program funds are sought must be an eligible qualified project as defined in this ordinance; and (c) the applicant must timely apply for program funds on city's then current program application and in such manner as the administrator may prescribe.

8. Application Review.

8.1 Applications. Application forms for program funds will be available at the Sisters City Hall. Each application must be filed with the administrator no later than March 1 immediately preceding the fiscal year in which the applicant desires to obtain program funds. Notwithstanding the immediately preceding sentence, if the council has not awarded all program funds appropriated for the fiscal year, an application may be filed with the administrator after March 1 subject to the provisions of this ordinance. Each application must contain all information and documentation city may require, including, without limitation, the following:

(a) The date of the application and the applicant's name, address, contact information, and the signature of the applicant's authorized representative.

(b) A description of the proposed project, including, without limitation, the type of housing, the proposed project location (i.e., identification of the real property of which the proposed project concerns), a timeline for project completion, and such additional information city deems necessary or appropriate to demonstrate that the proposed project will satisfy the eligibility requirements of a qualified project.

(c) The amount of program funds requested and the purposes for which the program funds will be used (including, without limitation, identification of all eligible qualified expenses).

(d) The project pro forma, including, without limitation, identification of funding sources to be used in connection with the proposed project. Applications must include evidence that all other funding commitments (e.g., conventional construction and permanent loans, subsidies and loans, and/or low-income housing tax credits) have been, or are anticipated will be, obtained. If applications to other funding programs are due after submission of the program application, the applicant will submit documentation that the proposed financing structure is expected to meet other source requirements and the timeline for applying and receiving award notification from other funders. If requested by the administrator, the applicant will provide a copy of the application to be submitted to other funding sources.

(e) Certification that that the applicant is current on all city accounts. The applicant may not be delinquent on any city accounts (e.g., utility accounts) and all property taxes for the property(ies) identified in the application must be paid at the time of application.

(f) All other information that the administrator deems necessary and/or appropriate to enable city to review the application and determine eligibility for the program funds.

8.2 Preliminary Review. Each application will be reviewed and processed by the administrator in order of receipt. The administrator will perform a preliminary review of each application and conduct whatever investigation the administrator deems necessary or appropriate to determine whether the application is complete, the statements made therein are true and accurate, and whether the application complies with this ordinance. City reserves the right to request additional documentation and information as needed. If, after a preliminary review, the administrator determines that the application does not include all required materials and/or information, the administrator will return the application and notify the applicant, in writing, of the deficiencies. If, after a preliminary review, the administrator determines the application is complete, the administrator will forward the application to council for review and evaluation along with the administrator's recommendations.

8.3 Evaluation; Criteria. Applications will be evaluated by council to determine whether to approve the application and award program funds (or any portion of program funds requested) or deny the application. The council may request additional documentation and/or information to render a decision on an application. The council may approve, approve with conditions, or deny an application. Applications (and the amount of funds provided) will be evaluated on criteria, including, without limitation, the following:

(a) Qualified Expenses. Applications will list specific qualified expenses for which the program funds are sought. City may give priority to certain types of expenses, including, without limitation, requests for program funds to assist with land use fees, building permit fees, material and supply costs and expenses, and other fees, costs, and expenses arising out of the construction of a new qualified project. Preference may be given to projects where other public funders have made their maximum award.

(b) Type of Housing; Needs. City may consider factors relating to the type of housing to be constructed, including, without limitation, whether city is experiencing a shortage of certain types of housing (e.g., multi-family housing), the percentage of units in a project that will be offered as affordable, and/or whether the project addresses city's housing needs as identified in city's housing needs analysis and/or council's then current housing goals.

(c) Applicant History. City may evaluate whether the applicant has previously received funding under the program and the applicant's compliance with the provisions of this ordinance. City may consider the applicant's history of constructing and offering affordable housing in city and/or the region.

The council may establish the relative weight (value) of any criteria for purposes of evaluating applications. The administrator will provide the applicant written notice of the council's decision on an application. The council's decision will be final and binding on the date the decision is mailed to the applicant. The decision of the council on any application or given matter will not set any precedent nor bind future council decisions.

9. Program Participation Requirements.

9.1 Affordability Period. As a condition to receiving funds under the program, during the affordability period a project must continue to satisfy the eligibility requirements contained in this ordinance, including, without limitation, continuing to be a qualified project. Subject to the provisions of this ordinance, city will record documentation, in form and content satisfactory to city, of the program grant and/or loan (and affordability requirements) with the Deschutes County Clerk's office upon commencement of the affordability period.

9.2 Documentation. The applicant must enter into and sign all then-applicable program documents as a condition to receiving funds under the program. The program documents will contain terms and conditions acceptable to city, including, without limitation, (a) disbursement procedures, (b) conditions to disbursement of program funds, (c) the timeframe within which funds must be used, and (d) such restrictive covenants, deed restrictions, and/or related instruments to ensure the continued affordability of the qualified project in accordance with this ordinance. Notwithstanding anything contained in this ordinance to the contrary, program documents will contain such terms and conditions reasonably requested by the city manager and/or city attorney and will be subject to the review and approval of the city manager and city attorney.

9.3 Security. A recipient must perform all recipient obligations contained under this ordinance and all program documents. To this end, a recipient's obligations to city under this ordinance and the program documents may, as determined by city in city's sole discretion, be secured and/or evidenced by a deed restriction and/or perfected security interest in the following real and/or personal property (collectively, the "collateral"): (a) the subject project property and all improvements, fixtures, equipment, and other articles of personal property located on and used in connection with the subject project property; (b) all present and future leases, rents, accounts, deposit accounts, general intangibles, and income and revenues of any nature relating to the subject project property; and (c) all products and proceeds of the foregoing. City's security interest in the collateral may, as determine by city in city's sole discretion, be evidenced by, and each recipient will execute and deliver to city (and/or cause any other person to execute and deliver to city), such deed restrictions, trust deeds, security agreements, assignments, Uniform Commercial Code financing statements, certificates of title, subordination agreements, guarantees, and all other documents and/or instruments city may request from time to time (each in form and substance acceptable to city) to evidence, secure, grant, preserve, protect, perfect, and continue the validity and priority of city's security interest in the collateral. The council may, from time to time, prescribe the type of documentation and/or instrument required for purposes

of evidencing city's security interest in the collateral. Council may distinguish documentation and/or instrument requirements on the basis of award amount and/or award type.

9.4 Affordability Certification. During the affordability period, the recipient will maintain such documentation and information necessary to demonstrate that the project is occupied by income-qualified person(s) and continues to meet the eligibility requirements of this ordinance. For each owner-occupied single-family residence, the recipient will certify to city, in form and content satisfactory to city, that the project meets the eligibility requirements upon any transfer of the project occurring during the affordability period; for all other projects, the recipient will certify to city, in form and content satisfactory to city, that the project meets the eligibility requirements upon any transfer of the project and on or before January 1 of each year during the affordability period.

10. Disqualification. If, during the affordability period, a project ceases to qualify as a qualified project, the recipient will repay all program funds to city immediately upon city's demand, plus interest at the statutory rate for interest on a judgement from the date of the document recording described in Section 9.1.

11. Denial; Suspension; Repayment.

11.1 Grounds for Denial. City may deny an application for the following: (a) the application is incomplete and/or fails to meet the requirements under this ordinance; (b) fraud, misrepresentation, and/or false statement(s) contained in the application and/or willful withholding of information or incomplete disclosure concerning any matter required to be furnished in connection with any such application; (c) failure to satisfy the eligibility requirements under this ordinance, including, without limitation, disqualification under Section 10; and/or (d) failure to comply with any applicable federal, state, and/or local law, regulation, and/or ordinance, and/or any agreement with city.

11.2 Remedies. In addition to any other remedy available to city, city reserves the right to demand immediate repayment of program funds (or any portion thereof) if a recipient violates the provisions of this ordinance. The remedies provided in this Section 11.2 are not exclusive and will not prevent city from exercising any other rights and/or remedies available under law. City will be entitled to collect from any recipient violating or otherwise failing to comply with this ordinance city's reasonable attorney fees and all other fees, costs, and expenses incurred by city to enforce this ordinance.