RESOLUTION NO. 5067

A RESOLUTION APPROVING A LOW-INCOME RENTAL HOUSING PROPERTY TAX EXEMPTION FOR THE PROPERTY LOCATED AT 1535-1563 CITY VIEW STREET, EUGENE, OREGON. (ST. VINCENT DE PAUL SOCIETY OF LANE COUNTY, INC. / APPLICANT.)

The City Council of the City of Eugene finds that:

A.   Stellar Apartments Limited Partnership (with St. Vincent de Paul Society of Lane County, Inc. as general partner) is the owner of real property located at 1535-1563 City View Street, Eugene, Oregon, 97402 (Assessor's Map 17-04-36-33; Tax Lot No. 201; Assessor's Property Account Number 0483857). St. Vincent de Paul Society of Lane County, Inc. (general partner and "the applicant"), located at P.O. Box 24608, Eugene, Oregon, 97402 has submitted an application pursuant to Subsection 2.939(2) of the Eugene Code, 1971, for an exemption from ad valorem taxes under the City's Low-Income Rental Housing Property Tax Exemption Program (Sections 2.937 to 2.940 of the Eugene Code, 1971).

B.   The tax exemption is being sought for the project, which will consist of 54 residential units and common areas (community center & garden, children's play area, and bike parking) that are being constructed on the property and for the parcel of land, all of which will be used for low-income housing. Construction is expected to be completed by July 31, 2013.

C.   The Community Development Manager of the Planning and Development Department, as designee of the City Manager, has prepared a Report and Recommendation, which is attached to this Resolution as Exhibit A, recommending that the application be approved and the exemption granted.   In making that recommendation, the Community Development Manager found that the applicant submitted all materials, documents and fees required by the application and Section 2.938(1) of the Eugene Code, 1971, and is in compliance with the policies set forth in the Standards and Guidelines adopted by Resolution No. 5028. In addition, as described more fully in Exhibit A, the applicant has complied with the criteria for approval provided in Section 2.939(2) of the Eugene Code, 1971.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a Municipal Corporation of the State of Oregon, as follows:

Section 1.   Based upon the above findings, and the findings in the Community Development Manager's Report and Recommendation attached as Exhibit A, the City Council approves the application of St. Vincent de Paul Society of Lane County, Inc. for an ad valorem property tax exemption under the City's Low-Income Rental Housing Property Tax Exemption Program for the property located at 1535-1563 City View Street, Eugene, Oregon, 97401 (Assessor's Map 17-04-36-33; Tax Lot No. 201; Assessor's Property Account Number

Resolution - Page 1 of 2

0483857), which will consist of 54 residential units and common areas, and for the parcel of land. All units shall be offered for rent to persons whose earnings fall at or below 50% of the Area Median Income based on their family size.

Section 2. The land and units described in Section 1 above are declared exempt from local ad valorem property taxation commencing July 1, 2013, and continuing for a continuous period of twenty (20) years unless earlier terminated in accordance with the provisions of Section 2.940 of the Eugene Code, 1971, which provides for termination after an opportunity to be heard if:

2.1   Construction or development of the exempt property differs from the construction or development described in the application for exemption, or was not completed by January 1, 2020, and no extensions or exceptions were granted; or
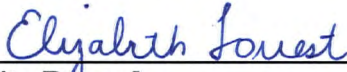
2.2   The applicant fails to comply with provisions of ORS 307.515 to 307.523, provisions of the Eugene Code, 1971, the Standards and Guidelines adopted by Council Resolution No. 5028, or any conditions imposed in this Resolution.

The tax exemption shall be terminated immediately, without right of notice or appeal, pursuant to the provisions of ORS 307.531 in the event that the county assessor determines that a change of use to other than that allowed has occurred for the housing unit, or portion thereof, or, if after the date of this approval, a declaration as defined in ORS 100.005 is presented to the county assessor or tax collector for approval under ORS 100.110.

Section 3. The City Manager, or the Manager's designee, is requested to forward a copy of this Resolution to the applicant within ten (10) days from the date of adoption of this Resolution, and to cause a copy of this Resolution to be filed with the Lane County Assessor on or before April 1, 2013. The copy of the Resolution sent to the applicant shall be accompanied by a notice explaining the grounds for possible termination of the exemption prior to the end of the exemption period and the effects of the termination.

Section 4. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution adopted the 23rd day of July, 2012.

Elizabeth Forest
_____
City Recorder

Resolution - Page 2 of 2

REPORT AND RECOMMENDATION
of the Community Development Manager
of the Planning and Development Department

Application of St. Vincent de Paul Society of Lane County, Inc.
For Low Income Rental Housing Property Tax Exemption
(Section 2.937 to 2.940 of the Eugene Code, 1971)
for Property at 1535-1563 City View Street, Eugene, Oregon

The Community Development Manager of the Planning and Development Department of the City of Eugene finds that:

1. Stellar Apartments Limited Partnership (with St. Vincent de Paul Society of Lane County, Inc. as general partner) is the owner of real property located at 1535-1563 City View Street, Eugene, Oregon, 97402 (Assessor's Map 17-04-36-33; Tax Lot No. 201; Assessor's Property Account Number 0483857). St. Vincent de Paul Society of Lane County, Inc. ("the applicant"), located at PO Box 24608, Eugene, Oregon, 97402 has submitted an application pursuant to Subsection 2.939(2) of the Eugene Code, 1971, for an exemption from ad valorem taxes under the City's Low-Income Rental Housing Property Tax Exemption Program (Sections 2.937 to 2.940 of the Eugene Code, 1971).

2. I have reviewed the application and find that the applicant has submitted all materials, fees and documents required by the application, and is in compliance with the provisions of EC 2.939(2). Specifically I find:

(a) The property, or portion thereof subject to the property tax exemption, will be occupied solely as a residence for low-income persons.

(b) The required rent payment reflects the full value of the property tax exemption.

(c) The housing units on the property were constructed after February 12, 1990.

(d) The applicant has complied with the policies set forth in the Standards and Guidelines for Low-Income Rental Housing Property Tax Exemption adopted by council Resolution No. 5028.

(e) The proposed development is consistent with the city's housing dispersal policy.

(f) The proposed development does not cause the displacement of low-income persons.

(g) The proposed development does not cause destruction of historic properties.

(h) The proposed development is otherwise consistent with the Eugene Code and adopted city regulations and policies.

(i) The applicant has executed, and agrees to maintain in effect for the duration of the tax exemption period, a Rent Regulatory Agreement.

(j) The applicant has consented in writing that for the duration of the

tax exemption period, the city may inspect the property for which the exemption is granted.

3. Comments have been solicited from interested City departments, agencies, and the affected neighborhood groups. No comments were received.

Therefore, based on the above findings, the proposed project conforms with all applicable City Code provisions, local plans, planning regulations, the Metropolitan Area General Plan, and the criteria set forth in the City's adopted Standards and Guidelines for Low-Income Rental Housing Property Tax Exemption, and I recommend that the application be approved.

Dated this 27th **day of June, 2012.**

Print: Michael C. Sullivan   **Sign:** _____

Community Development Manager of the Planning and Development Department