



COUNCIL RESOLUTION NO. 5215

**A RESOLUTION APPROVING A LOW-INCOME RENTAL HOUSING
PROPERTY TAX EXEMPTION RENEWAL FOR THE BIRCHWOOD
APARTMENTS, LOCATED AT 1080 CLARK STREET, EUGENE,
OREGON (BIRCHWOOD INVESTMENTS LLC/APPLICANT)**

PASSED: 6:0

REJECTED:

OPPOSED:

ABSENT: EVANS, ZELENKA

CONSIDERED: January 8, 2018



RESOLUTION NO. 5215

**A RESOLUTION APPROVING A LOW-INCOME RENTAL HOUSING
PROPERTY TAX EXEMPTION FOR THE PROPERTY LOCATED AT
1080 CLARK STREET, EUGENE, OREGON. (APPLICANT
BIRCHWOOD INVESTMENTS LLC)**

The City Council of the City of Eugene finds that:

A. Birchwood Investments LLC is the owner of real property located at 1080 Clark Street, Eugene, Oregon, 97402 (Assessor's Map 17-04-25-41; Tax Lot No. 1100; Assessor's Property Account Number 0441731). Birchwood Investments LLC ("the applicant"), located at 10 Van Buren Street, 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. Birchwood Apartments first received a Low-Income Rental Housing Property Tax Exemption when it was constructed in 1997. The apartments have housed low-income households for twenty years. Under EC 2.940(5) in the final year of low income housing tax exemptions, applications for subsequent low-income housing tax exemptions for the property may be submitted.

C. A tax exemption is being sought for the property which includes 1 one-bedroom unit, 40 studio apartments, and residential common areas, all of which will be used for low-income housing.

D. The Community Development Manager of the Planning and Development Department, as designee of the City Manager, has prepared a Report and Recommendation 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 Section 2.938 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, the Community Development Manager found that the applicant has complied with the criteria for approval provided in Section 2.939(2) of the Eugene Code, 1971, and the eligibility requirements at Section 2.1 through 2.9 of the Standards and Guidelines adopted by Resolution No. 5028.

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, the City Council approves the application of Birchwood Investments LLC for an ad valorem property tax exemption under the City's Low-

Income Rental Housing Property Tax Exemption Program for the property located at 1080 Clark Street, Eugene, Oregon, 97402 (Assessor's Map 17-04-25-41; Tax Lot No. 1100; Assessor's Property Account Number 0441731) which will includes 1 one-bedroom unit, 40 studio apartments, and residential common areas.

Section 2. The land and units described in Section 1 above are declared exempt from local ad valorem property taxation commencing July 1, 2018, and continuing for a continuous period of 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 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, 2018. 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 8th day of January, 2018.

Deputy 

Deputy City Recorder (AIC)