



**Eugene City Council**

125 E. 8th Ave., 2nd Floor  
Eugene, OR 97401-2793  
541-682-5010 • 541-682-5414 Fax  
www.eugene-or.gov

# EUGENE CITY COUNCIL AGENDA

January 8, 2018

**7:30 p.m. CITY COUNCIL MEETING**  
**Harris Hall, 125 East 8<sup>th</sup> Avenue**  
**Eugene, Oregon 97401**

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**Meeting of January 8, 2018;**  
**Her Honor Mayor Lucy Vinis Presiding**

**Councilors**

Alan Zelenka, President  
Jennifer Yeh  
Emily Semple  
Claire Syrett

Mike Clark, Vice President  
Greg Evans  
Chris Pryor  
Betty Taylor

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**7:30 p.m. CITY COUNCIL MEETING**  
**Harris Hall, 125 East 8<sup>th</sup> Avenue**

**1. ELECTION OF 2018 COUNCIL OFFICERS**

***Council President:*** *I move to elect Mike Clark as President of the City Council for 2018.*

***Call for vote.***

***Council President:*** *I move to elect Betty Taylor as Vice President of the City Council for 2018.*

***Call for vote.***

**2. PUBLIC FORUM**

***Mayor:*** *The Public Forum is an opportunity for individuals to speak to the City Council on any city-related issues except for those items which have already been heard by a Hearings Official or are on tonight's agenda as a public hearing.*

*Each person will have three minutes to speak. When you come to the podium, please give your name, city of residence, and, for Eugene residents, your ward if known. The timer and lights indicate the time you have to speak. The red light indicates the end of three minutes.*

***Mayor closes Public Forum and asks for comments from the City Council.***

**3. CONSENT CALENDAR**

*(Note: Time permitting, action on the Consent Calendar may be taken at the 5:30 p.m. work session.)*

**A. Approval of City Council Minutes**

- November 20, 2017, Work Session
- December 11, 2017, Work Session

**B. Approval of Tentative Working Agenda**

**C. Adoption of 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)**

***City Council President:*** *I move to approve the items on the Consent Calendar.*

***Call for vote.***

*Adjourn.*

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The Eugene City Council welcomes your interest in these agenda items. This meeting location is wheelchair-accessible. For the hearing impaired, an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the receptionist at 541-682-5010. City Council meetings are telecast live on Metro Television, Comcast channel 21, and rebroadcast later in the week.

El consejo de la Ciudad de Eugene agradece su interés en estos asuntos de la agenda. El lugar de la reunión tiene acceso para sillas de ruedas. Se puede proveer a un intérprete para las personas con discapacidad auditiva si avisa con 48 horas de anticipación. También se puede proveer interpretación para español si avisa con 48 horas de anticipación. Para reservar estos servicios llame al 541-682-5010. Las reuniones del consejo de la ciudad se transmiten en vivo por Metro Television, Canal 21 de Comcast y son retransmitidas durante la semana.

For more information, contact the Council Coordinator at 541-682-5010,  
or visit us online at [www.eugene-or.gov](http://www.eugene-or.gov).

# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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## Action: Election of City Council Officers for 2018

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Meeting Date: January 8, 2018  
Department: City Managers Office  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 1  
Staff Contact: Beth Forrest  
Contact Telephone Number: 541-682-5882

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### ISSUE STATEMENT

This item is to elect the 2018 City Council President and Vice President.

### BACKGROUND

Each year the City Council elects a new president and vice president. The City Charter and City Code specify the office of Council President; the City Code outlines the process of selecting the President and Vice President.

Section 13 of the Charter states:

- "Council - President. (1) Each year, at the first regular meeting of the council, or as soon as practicable, the council shall choose by ballot one of its members to serve as council president.
- (2) The council president shall preside at council meetings when the mayor is absent.
- (3) The council president shall function as mayor, with the powers and subject to the limitations of the office of mayor when the mayor:
- (a) is absent from the city on leave granted by the council;
  - (b) has been absent from the city for 30 days or more; or
  - (c) has been physically unable to function as mayor for 30 days or more."

Further, the Section 2.009 of the City Code states:

- (1) The council president shall be elected for a one-year term. That person who has served the longest on the council and has not previously acted as council president shall normally be entitled to election as the president. A councilor may be re-elected as president of the council only after the expiration of one year from the date the councilor last served as such president unless two-thirds of the total membership of the council votes otherwise. A councilor will not be eligible to be elected president who has not served as a councilor for at least two years.

(2) The vice-president of the council shall be elected at the same time and in the same manner as the president of the council. A vice-president may be nominated and elected as president.

(3) The candidates for president and vice-president of the council shall be nominated and elected by a majority vote at the first regular meeting of the council in each calendar year.”

#### **CITY MANAGER’S RECOMMENDATION**

The City Manager has no recommendation on this item.

#### **SUGGESTED MOTION**

Move to elect Mike Clark as President of the City Council for 2018.

Move to elect Betty Taylor as Vice President of the City Council for 2018.

#### **ATTACHMENTS**

None.

#### **FOR MORE INFORMATION**

Staff Contact: Beth Forrest

Telephone: 541-682-5882

Staff E-Mail: [beth.l.forrest@ci.eugene.or.us](mailto:beth.l.forrest@ci.eugene.or.us)

# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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## Public Forum

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Meeting Date: January 8, 2018  
Department: Central Services  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 2  
Staff Contact: Beth Forrest  
Contact Telephone Number: 541-682-5882

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### ISSUE STATEMENT

This segment allows citizens the opportunity to express opinions and provide information to the council. Testimony presented during the Public Forum should be on City-related issues and should not address items which have already been heard by a Hearings Official, or are on the present agenda as a public hearing item.

### SUGGESTED MOTION

No action is required; this is an informational item only.

### FOR MORE INFORMATION

Staff Contact: Beth Forrest  
Telephone: 541-682-5882  
Staff E-Mail: [beth.l.forrest@ci.eugene.or.us](mailto:beth.l.forrest@ci.eugene.or.us)



# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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## Approval of City Council Minutes

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Meeting Date: January 8, 2018  
Department: Central Services  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 3A  
Staff Contact: Beth Forrest  
Contact Telephone Number: 541-682-5882

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### ISSUE STATEMENT

This is a routine item to approve City Council minutes.

### SUGGESTED MOTION

Move to approve the following minutes: November 20, 2017, Work Session and December 11, 2017, Work Session.

### ATTACHMENTS

- A. November 20, 2017, Work Session
- B. December 11, 2017, Work Session

### FOR MORE INFORMATION

Staff Contact: Beth Forrest  
Telephone: 541-682-5882  
Staff E-Mail: [beth.l.forrest@ci.eugene.or.us](mailto:beth.l.forrest@ci.eugene.or.us)





MINUTES

**Eugene City Council Work Session  
Harris Hall, 125 East 8<sup>th</sup> Avenue  
Eugene, Oregon 97401**

**November 20, 2017  
5:30 p.m.**

**Councilors Present:** Emily Semple, Betty Taylor, Alan Zelenka, Jennifer Yeh, Mike Clark, Claire Syrett, Chris Pryor

**Councilors Absent:** Greg Evans

Mayor Vinis opened the November 20, 2017, Work Session of the Eugene City Council.

**A. WORK SESSION: Auditor Discussion**

City Attorney Glenn Klein gave an overview of the major sections of the City Auditor initiative and the changes it would establish. Norma Grier, Marty Wilde, and John Barofsky spoke about the work of the Mayor's study group and the City Auditor models that they studied.

Council Discussion

- The auditor could only spend their budget on things related to the duties and responsibilities of the office.
- If auditor could face criminal charges if money was used unlawfully, however, there would be no checks and balances on inappropriate-but-not-unlawful spending. It would be at the auditor's discretion to determine what materials and supplies are needed to perform their duties
- Concerned that auditor would have ability to audit operations of EWEB.
- The City would be liable for any unlawful activity by the auditor. The auditor's office would still need to comply with State and Federal rules.
- If initiative passes in May, the first election for auditor would be in November and whoever got the most votes would win, regardless of how many candidates are in the field or whether a majority is achieved.
- Concerned about the lack of a residency requirement for the potential auditor.
- More information about subpoena power for other city auditors requested.
- More information requested about where on the scale of elected officials' salaries the proposed auditor's salary falls.
- When reviewing the purpose of having an auditor – improving and saving as well as identifying and exposing – consider whether this initiative encompasses everything the City in an auditor.
- Comparing other cities' audit function and needs to Eugene's is difficult, because there are many differences.
- The manner with which an auditor's office is set up may have an influence on the outcomes and whether there is better accountability or transparency.
- The information gathered by the study group was the result of internet research, phone calls, and email.

- Feedback from constituents about the support and efficacy of the auditor in jurisdictions that have an auditor would be instructive.
- The budget would cover all of the auditor's expenditures including salary, rent, materials, etc.
- Clarification requested about State election law around running for re-election and promoting their work.
- Clarification requested on whether auditor would have to uphold Council's Protections for Individuals ordinance.
- Investigate if there are jurisdictions where the auditor caused problems rather than exposed them.
- If there is interest in putting an additional measure on the ballot, City Attorney would draft a measure with council's input.
- Auditor would be able to subpoena any documents unless pre-empted by state or federal law.
- Auditor would be able to encourage constituents to engage in political activity and contact their councilor to address a problem.
- Auditor can take no action on policy, would be able to illuminate more information and make recommendations
- Request made for lists of what different services cost that come out of the general fund.
- There is no effective way to evaluate whether auditors generally earn back their costs/salary in savings to the organization.
- Recall process is the only way to remove elected auditor; some cities have implemented an audit committee.

**MOTION and VOTE:** Councilor Zelenka, seconded by Councilor Pryor, moved to extend the meeting by 10 minutes. **PASSED 7:0.**

- Auditors have been held accountable by auditor committees, but many elected auditors are only subject to recall.
- There may be differences in evaluating benefits when comparing cities that had an auditor from the beginning vs. established later in time.

**MOTION and VOTE:** Councilor Zelenka, seconded by Councilor Clark, moved to extend the meeting by five minutes. **PASSED 7:0.**

- Further clarification requested on the following: EWEB operations, comparative salaries of other elected auditors, number of audits the City currently does, whether auditor staff would be covered by adopted Council policy in the form of an ordinance, and list of cuts proposed in years past.

The meeting adjourned at 7:11 p.m.

Respectfully submitted,

Elena Domingo  
Deputy City Recorder

MINUTES

Eugene City Council  
Harris Hall, 125 East 8<sup>th</sup> Avenue  
Eugene, Oregon 97401

December 11, 2017  
5:30 p.m.

**Councilors Present:** Emily Semple, Betty Taylor, Alan Zelenka, Jennifer Yeh, Mike Clark, Greg Evans, Claire Syrett, Chris Pryor

**Councilors Absent:** Greg Evans

Mayor Vinis opened the December 11, 2017, Work Session of the Eugene City Council.

**A. Committee Reports and Items of Interest from Mayor, City Council, and City Manager**

Council Discussion

- Concerns were expressed about Garrison Keillor's photo not being reinstalled to the flying people exhibit at the airport.

**B. WORK SESSION: Auditor Discussion**

City Attorney Glenn Klein answered questions asked at a previous work session and laid out the options City Council had to respond to Ballot Measure 20-283.

Council Discussion

- Consider whether Eugene would benefit from an auditor function.
- This discussion should have happened a long time ago; Council should not undermine the citizen group's work and let the voters decide.
- Having an auditor would help accountability and transparency.
- Auditor would be helpful; but the details of how the auditor's office is established are extremely important.
- Spending the proposed amount of money on this service at this time may be imprudent.
- Skeptical that an auditor would influence policy decisions made by Council.
- Concerns with ballot measure include cost, residency requirement, accountability, fundamental changes to electing officials, and lack of public input into the details of measure.
- Citizen oversight works well and should have been included.
- If staff put together new proposal now, there wouldn't be enough time to do it thoughtfully and with public input.
- Concerns that an election for auditor would become partisan for a non-partisan position.
- Would like to take a neutral position, move forward and see what happens.

**C. UPDATE: Winter Strategies**

City Manager's Office Division Manager Mia Cariaga and Policy Analyst Regan Watjus gave an update to City Council about some of the homelessness winter strategies being implemented.

Council Discussion

- Questions and concerns were raised about Egan Warming Center having enough resources to stay open for long periods.
- Would like to address what the plan for extreme emergency situations would look like.
- CMO will spread the word about a training opportunity for Egan volunteers.

The meeting adjourned at 6:51 p.m.

Respectfully submitted,

Elena Domingo  
Deputy City Recorder

# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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## Approval of Tentative Working Agenda

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Meeting Date: January 8, 2018  
Department: City Manager's Office  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 3B  
Staff Contact: Beth Forrest  
Contact Telephone Number: 541-682-5882

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### ISSUE STATEMENT

This is a routine item to approve City Council Tentative Working Agenda.

### BACKGROUND

On July 31, 2000, the City Council held a process session and discussed the Operating Agreements. Section 2, notes in part that, "The City Manager shall recommend monthly to the council which items should be placed on the council agenda. This recommendation shall be placed on the consent calendar at the regular City Council meetings (regular meetings are those meetings held on the second and fourth Monday of each month in the Council Chamber). If the recommendation contained in the consent calendar is approved, the items shall be brought before the council on a future agenda. If there are concerns about an item, the item may be pulled from the consent calendar at the request of any councilor or the Mayor. A vote shall occur to determine if the item should be included as future council business." Scheduling of this item is in accordance with the Council Operating Agreements.

### RELATED CITY POLICIES

There are no policy issues related to this item.

### COUNCIL OPTIONS

The council may choose to approve, amend or not approve the tentative agenda.

### CITY MANAGER'S RECOMMENDATION

Staff has no recommendation on this item.

### SUGGESTED MOTION

Move to approve the items on the Tentative Working Agenda.

**ATTACHMENTS**

A. Tentative Working Agenda

**FOR MORE INFORMATION**

Staff Contact: Beth Forrest

Telephone: 541-682-5882

















Staff E-Mail: [beth.l.forrest@ci.eugene.or.us](mailto:beth.l.forrest@ci.eugene.or.us)



# City Council Tentative Agenda

**For January 5, 2018**

**Meeting Location:** Harris Hall, 125 E 8th Avenue, unless otherwise noted

January-2018						
Date		Time	Title		Length (in min)	Department Contact
8-Jan	Monday	5:30pm		Committee Reports and Items of Interest	30	
				Dusk to Dawn (Potential Action)	30	Regan Watjus, CS
				Public Shelter Update	30	Jason Dedrick, CS
		7:30pm	Election of 2018 City Council Officers			
	Public Forum					
	Resolution Approving LIRHPTE for Birchwood Apartments (Consent Calendar)			Ellen Meyi-Galloway, PDD		
Expected Absences for 1/8: None						
10-Jan	Wednesday	12pm		Parks and Recreation System Plan Implementation (Work Session)	90	Carolyn Burke, PW
Expected Absences for 1/10: None						
16-Jan	Tuesday	7:30pm		TBD (Public Hearing)		
Expected Absences for 1/16: Mayor Vinis						
17-Jan	Wednesday	12pm		Divestments (Work Session)	45	Twylla Miller, CS
				Winter Strategies (Work Session)	45	Regan Watjus, CS
Expected Absences for 1/17: Mayor Vinis						
22-Jan	Monday	5:30pm		Community Justice & Fire/EMS Ambulance System Update (Work Session)	90	Kristie Hammitt, CS
		7:30pm		Public Forum		
				Approval of Funding and Use of City Resources for Housing Affordable to Low-Income Persons (Consent Calendar)		Ellen Meyi-Galloway, PDD
				Resolution Approving LIRHPTE for Emerald Village Eugene (Consent Calendar)		Ellen Meyi-Galloway, PDD
				Resolution Approving LIRHPTE for Mac McDonald (Consent Calendar)		Ellen Meyi-Galloway, PDD
				Resolution Approving LIRHPTE for Ross Lane (Consent Calendar)		Ellen Meyi-Galloway, PDD
				Appointment to Police Commission (Consent Calendar)		Carter Hawley, EPD
Expected Absences for 1/22: None						



Work Session



Action Item



Public Hearing



Public Forum








Consent Calendar Item















Committee Reports and Items of Interest












Ceremonial Matters

January-2018					
Date		Time	Title	Length (in min)	Department Contact
24-Jan	Wednesday	12pm	 Committee Reports and Items of Interest  Boundary Expansion for Downtown Riverfront Property Purchase (URA Work Session)  TBD (Work Session)	30	Amanda Nobel, PDD
<i>Expected Absences for 1/24: Councilor Pryor</i>					
31-Jan	Wednesday	12pm	 Parks and Recreation System Plan Implementation (Work Session)  TBD (Work Session)	45	Carolyn Burke, PW
<i>Expected Absences for 1/31: Councilor Pryor</i>					

February-2018					
Date		Time	Title	Length (in min)	Department Contact
10-Feb	Saturday	TBD	Council Goal Setting Session		
Expected Absences for 2/10: Councilor Semple					
12-Feb	Monday	5:30pm	 Committee Reports and Items of Interest  TBD (Work Session)  TBD (Work Session)		
		7:30pm	 Public Forum Ceremonial Matters		
Expected Absences for 2/12: None					
14-Feb	Wednesday	12pm	 5th Street Market District Project Update (Work Session)  TBD (Work Session)	45	Michael Kinnison, PDD
Expected Absences for 2/14: None					
20-Feb	Tuesday	7:30pm	 Ordinance Adopting Hazardous Substance User Fees for FY18 (Public Hearing and Possible Action)		Joann Eppli, ESF
Expected Absences for 2/20: None					
21-Feb	Wednesday	12pm	 TBD (Work Session)  TBD (Work Session)		
Expected Absences for 2/21: None					
24-Feb	Saturday	TBD	Council Goal Setting Session		
Expected Absences for 2/24: None					
26-Feb	Monday	5:30pm	 Committee Reports and Items of Interest  Missing Middle Housing (Work Session)	90	Terri Harding, PDD
		7:30pm	 Public Forum		
Expected Absences for 2/26: None					



February-2018						
Date		Time	Title		Length (in min)	Department Contact
28-Feb	Wednesday	12pm		Emergency Operations Center		Mike Penwell, CS
				(Work Session)		
TBD						
(Work Session)						
Expected Absences for 2/28: None						

March-2018					
Date		Time	Title	Length (in min)	Staff Contact
12-Mar	Monday	5:30pm	 Committee Reports and Items of Interest		
			 TBD (Work Session)		
			 TBD (Work Session)		
		7:30pm	 Public Forum		
 Ceremonial Matters					
Expected Absences for 3/12: Councilor Evans, Councilor Taylor, Councilor Semple					
14-Mar	Wednesday	12pm	 TBD (Work Session)		
			 TBD (Work Session)		
Expected Absences for 3/14: Councilor Evans, Councilor Taylor, Councilor Semple					

### Council Break: March 15 – April 8, 2018

#### **Approved Work Session Polls to be Scheduled:**

Hatton Street Annexation - Councilor Syrett  
 C-2 Zoning - Councilor Taylor  
 Rest Stop Siting Policy - Councilor Evans  
 Hwy 99/Bethel Urban Renewal District - Councilor Evans  
 Rats! - Councilor Semple

#### **Follow-Up Work Sessions to be Scheduled:**

IGR Process  
 \$1 Million Shelter  
 Nuisance Codes  
 Rental Housing  
 Zone of Benefit/Reimbursement District  
 Unimproved Roads  
 Commercial Setbacks  
 Property Leases



# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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## Adoption of 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)

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Meeting Date: January 8, 2018  
Department: Planning and Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 3C  
Staff Contact: Ellen Meyi-Galloway  
Contact Telephone Number: 541-682-5532

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### **ISSUE STATEMENT**

City Council is asked to adopt a resolution for a 20-year Low-Income Rental Housing Property Tax Exemption (LIRHPTE) renewal for Birchwood Apartments, located at 1080 Clark Street. The owner of the development is Birchwood Investments LLC. Birchwood Apartments first received a LIRHPTE in 1997 when the development was constructed. The property has housed low-income renters for 20 years.

### **BACKGROUND**

The City adopted the low-income rental housing property tax exemption program in 1990. Since then, Eugene has approved tax exemptions for 30 developments with over 1,200 units. In 2011, Council unanimously approved extending the 20-year LIRHPTE program for an additional 10 years. The approved ordinance also enables recipients to reapply for the 20-year LIRHPTE after the initial 20-year period has expired.

Council reviews each tax exemption request on a case-by-case basis. Most recently, Council approved a LIRHPTE for St. Vincent de Paul Youth House on Willamette Street in November 2016. If an application meets the substantive criteria [EC 9.239(3)(a)-(i)] as referenced in the Report and Recommendation (Attachment A), the City must grant the exemption by resolution (Attachment B). A decision to deny the exemption cannot be made by simple motion or inaction; it would need to be made by a resolution (Attachment C) that explains how the applicant has failed to demonstrate that the tax exemption is in the public interest.

### ***Summary of requested tax exemption renewal***

The requested tax exemption renewal is for Birchwood Apartments, a 41-unit apartment complex located at 1080 Clark Street in the Whiteaker neighborhood. Since 1997, the apartments have been rented to low-income households earning at or below 60 percent of area median income, at affordable rents. The tax exemption expired June 30, 2017. Without the property tax exemption renewal, the apartments would not be able to maintain their current level of affordability.

The requested exemption meets the substantive criteria [EC 9.239(3)(a)-(i)] as shown in the Report and Recommendation (Attachment A). During the public comment period, Whiteaker

Community Council submitted a letter in support of the LIRHPTE renewal for Birchwood Apartments (Attachment D).

### **RELATED CITY POLICIES**

The LIRHPTE would help to support the Eugene-Springfield 2015 Consolidated Plan goal of affordable housing preservation. The proposed LIRHPTE also advances goals established in other local plans and policies. These include the Residential Land Use and Housing Element of the Metropolitan Area General Plan, Eugene City Council Adopted Growth Management Policies, the Lane County Ten Year Plan to End Chronic Homelessness, Housing Dispersal Policy, and the Lane County Continuum of Care Plan.

Approving the property tax exemption renewal application for Birchwood Apartments supports the Envision Eugene pillar of providing housing affordable to all income levels. The Envision Eugene Housing Affordability pillar includes strategies to meet the growing and changing housing needs of Eugene residents by supporting subsidized affordable housing projects. Continuing to provide property tax exemptions to low-income rental housing developments has been identified as an action to help successfully implement this strategy.

### **COUNCIL OPTIONS**

The City Council has two options:

1. Approve the tax exemption.
2. Deny the tax exemption.

### **CITY MANAGER'S RECOMMENDATION**

The City Manager recommends option 1, to adopt a Resolution granting a 20 year Low-Income Rental Housing Property Tax Exemption for the property located at 1080 Clark Street.

### **SUGGESTED MOTION**

Move to adopt a Resolution approving a 20-year Low-Income Rental Housing Property Tax Exemption for the property located at 1080 Clark Street.

### **ATTACHMENTS**

- A. Report and Recommendation
- B. Resolution to approve tax exemption
- C. Resolution to deny tax exemption
- D. Whiteaker Community Council Letter of Support
- E. Map of proposed site

### **FOR MORE INFORMATION**

Staff Contact: Ellen Meyi-Galloway  
Telephone: 541-682-5532  
Staff E-Mail: [Ellen.E.Meyi-Galloway@ci.eugene.or.us](mailto:Ellen.E.Meyi-Galloway@ci.eugene.or.us)

## **ATTACHMENT A**

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

#### **Application of Birchwood Investments, LLC For Low Income Rental Housing Property Tax Exemption (Section 2.937 to 2.940 of the Eugene Code, 1971) for Property at 1080 Clark Street, Eugene, Oregon**

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

1. 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).

2. 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.

3. 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) and Sections 2.1 through 2.9 of the Standards and Guidelines adopted by Resolution No. 5028. 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 as described in Section 5.1 of the Standards and Guidelines.
- (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 to insure that the premises are maintained in decent, safe and sanitary conditions for the occupants.


4. Comments have been solicited from interested City departments, 4J School District, and the affected neighborhood groups. Whiteaker Community Council submitted a written comment that the neighborhood association supports the property tax exemption for this property.

**Therefore**, based on the above findings, the proposed project conforms with all applicable City Code provisions, local plans, planning regulations, the Envision Eugene 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 18 day of December, 2017.

Print: Michael J. Kinnison

Sign:



Community Development Manager AIC of the Planning and Development Department

RESOLUTION NO. \_\_\_\_\_

**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 \_\_\_\_ day of January, 2018.**

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**City Recorder**



**ATTACHMENT C**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION DENYING 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.** Notwithstanding the findings in the Community Development Manager's Report and Recommendation, the City Council denies 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) because the applicant has failed to demonstrate satisfactory compliance with the criteria in Section 2.939(2) of the Eugene Code, 1971.

**Section 2.** The City Manager, or the Manager's designee, is requested to forward a copy of this Resolution to the applicant within ten days from the date of adoption of this Resolution, along with a notice informing the applicant of the right to appeal in the manner set forth in ORS 34.010 to 34.100.

**Section 3.** This Resolution shall become effective immediately upon its adoption.

**The foregoing Resolution adopted the \_\_\_\_ day of January, 2018.**

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**City Recorder**

## ATTACHMENT D

To: Ellen Meyi-Gallaway  
Housing Finance Analyst  
City of Eugene

Regarding the requested property tax exemption for Birchwood Apartments, 1080 Clark St, Eugene:

The Whiteaker Community Council gives our full support to the proposed twenty-year low-income rental housing property tax exemption for this apartment complex. In fact, we are overwhelmed by the awesomely generous contribution to our community that the owners have been making by holding rents so much further below market than was required, as well as the fact that they maintain the facility in a first-rate manner.

On our list of needs for our community, low income housing is definitely at the top. We would like to see more affordable housing made available in our neighborhood. With that in mind, we feel it would be counter-productive to reduce the stock of low-income rental housing by denying this request for a property tax exemption.

It is also worth noting that the location of this apartment complex is near-perfect in terms of the city's goal of reducing car trips and creating walkable, bikeable neighborhoods. The rents at this complex allow people working in service jobs, which are relatively abundant in the Whiteaker and nearby neighborhoods, to live near their jobs, thus reducing the perceived need for driving.

Please grant this request for a twenty-year low-income rental housing property tax exemption for 1080 Clark St. to support affordable housing in our neighborhood.

Thank you for your consideration,

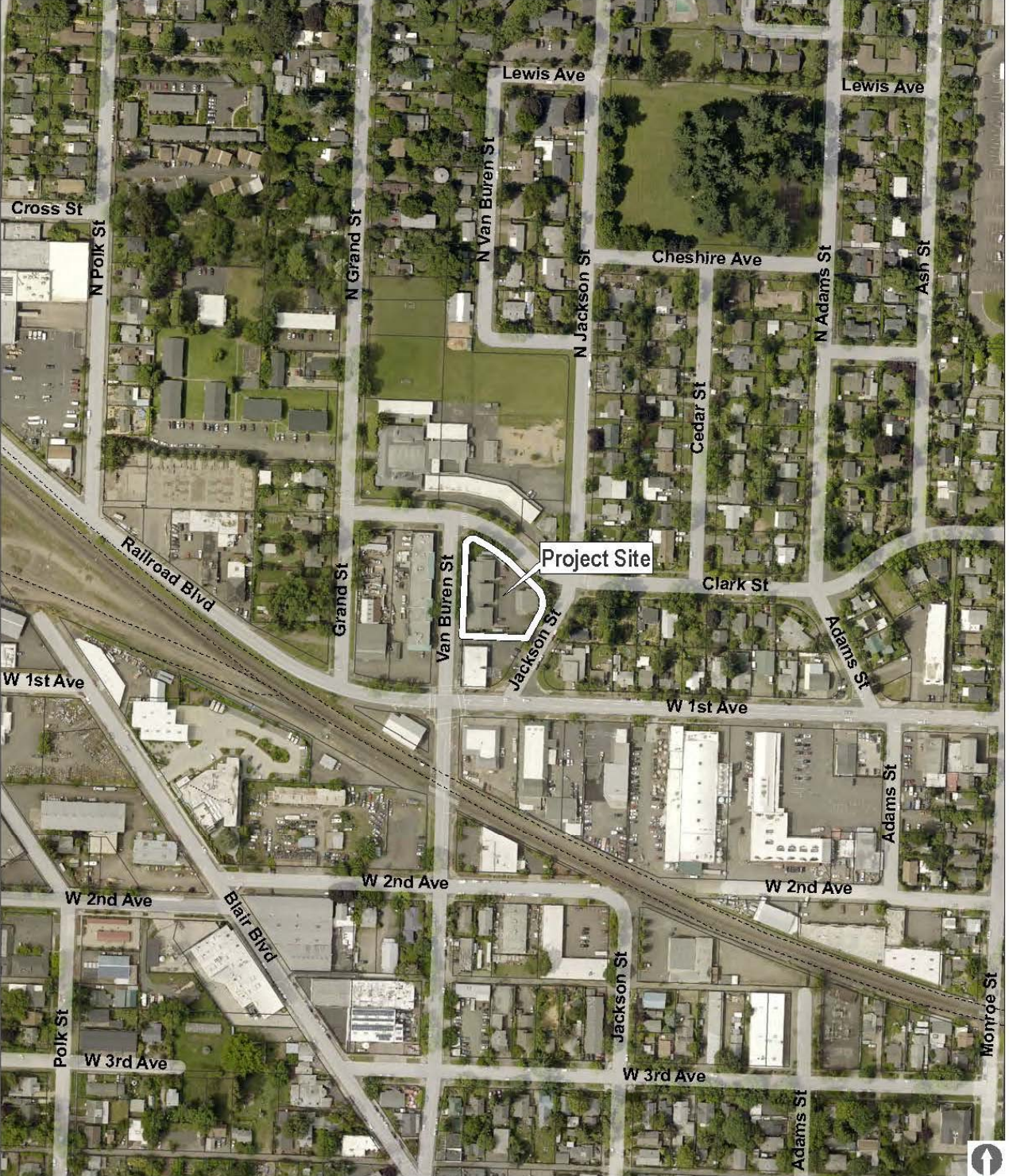
Sam Hahn, Chairman  
Whiteaker Community Council






1080 Clark

Aerial



 Project Site

Orthophotography: 2017  
Caution: This map is based on imprecise source data, subject to change, and for general reference only.

0 100 Feet  
City of Eugene, PDD  
December 27, 2017

