

EXHIBIT A

Sec. 2.800. - Eligible property.

To be eligible for the property tax exemption provided by SRC 2.790 through 2.835 a structure must:

- (a) Be dwelling units, not designed or used as transient accommodations and not including hotels and motels but including such design elements benefitting the public as described in SRC 2.790 through 2.835 and approved by the Council.
- (b) Be housing which is constructed after January 1, ~~2012~~ 2022, and completed on or before January 1, ~~2022~~ 2032.
- (c) Be located within the designated core area, to wit:

Beginning at the point of intersection of the east bank of the Willamette River and the westerly projection of the south right-of-way line of Academy Street Northeast; thence easterly along the westerly projection of the south right-of-way line of Academy Street Northeast to the intersection with the west right-of-way line of Water Street Northeast; thence southerly along the west right-of-way line of Water Street Northeast to the intersection with the south right-of-way line of South Street Northeast; thence easterly along the south right-of-way line of South Street Northeast to the intersection with the west right-of-way line of Front Street Northeast; thence southerly along the west right-of-way line of Front Street Northeast to the intersection with the westerly extension of the South Line of Lot 7, Block 21, North Salem Addition, as recorded in Volume 1, Page 34, Book of Town Plats, City of Salem, Marion County, Oregon; thence easterly along the westerly extension of the South Line and the easterly extension of said line to a point on the West Line of Church Street; said point being the midpoint of Block 48, North Salem Addition; southerly along the west right-of-way line of Church Street Northeast to the intersection with the north right-of-way line of Gaines Street Northeast; thence westerly along the north right-of-way line of Gaines Street Northeast to the intersection of the west right-of-way line of the North-South Alley running between Fifth Street Northeast and Church Street Northeast; thence southerly along the west right-of-way line of said alley to the intersection of the south right-of-way line of Market Street Northeast; thence westerly along the south right-of-way line of Market Street Northeast to the intersection of the west right-of-way line of Fifth Street Northeast; thence southerly along the west right-of-way line of Fifth Street NE to the intersection with the south right-of-way line of D Street Northeast; thence easterly along the south right-of-way line of D Street Northeast to the intersection with the west right-of-way line of Fourteenth Street Northeast; thence southerly along the west right-of-way line of Fourteenth Street to the intersection with the north right-of-way line of Mission Street Southeast; thence westerly along the north right-of-way line of Mission Street Southeast to the intersection with the east line of Winter Street Southeast; thence northerly along the east right-of-way line of Winter Street Southeast to the intersection with the north right-of-way line of Bellevue Street Southeast;

thence westerly along the north right-of-way line of Bellevue Street Southeast to the intersection with the east right-of-way line of Church Street Southeast; thence northerly along the east right-of-way line of Church Street Southeast to the intersection with the north right-of-way line of Trade Street Southeast; thence westerly along the north right-of-way line of Trade Street Southeast to the intersection with the west right-of-way line of Commercial Street Southeast; thence southerly along the west right-of-way line of Commercial Street Southeast to the intersection with the westerly projection of the north right-of-way line of Mission Street Southeast; thence westerly along the westerly projection of the north right-of-way line of Mission Street Southeast to the intersection with the east bank of the Willamette River and Willamette Slough; thence northerly along the east bank of the Willamette River and the Willamette Slough to the point of beginning.

(Prior Code, § 2.800; Ord. No. 71-76; Ord. No. 56-80; Ord. No. 150-84; Ord. No. 55-96; Ord. No. 20-99; Ord. No. 10-06; Ord. No. 42-09; Ord. No. 35-11)

Sec. 2.825. Review of the application.

- (a) The Council may approve the application if it finds, in accordance with standards and guidelines adopted by resolution of the Council, that:
 - (1) The property is eligible as provided in SRC 2.800;
 - (2) The applicant has agreed to include in the construction as a part of the multiple-unit housing one or more design elements benefitting the general public which are deemed sufficient by the Council;
 - (3) if the project is proposed to include 100 or more units of housing, that the applicant will provide at least 15% of the units at rents affordable to households at 80% of the average median income or less for the duration of the incentive, or meet at least two of the public benefit criteria;
 - (4) The project is in conformance with the comprehensive plan and zoning regulation; and
 - (5) The public benefit the property will receive pursuant to this program will be reasonable when considered in combination with other public benefits it is receiving or for which the owner plans to apply.
- (b) The Council shall review the application within 180 days of filing and approve, deny, or approve subject to reasonable conditions, the application. Final action by the Council shall be by resolution that shall contain the owner's name and address, a description of subject multiple-unit housing, either the legal description of the property or the assessor's property account number, and the specific conditions upon which the approval of the application is based. An application not acted upon within 180 days following the date of application shall be deemed approved.
- (c) If the application is denied, a notice of denial shall be sent to the applicant within ten days following the denial. The notice shall state the reasons for denial.

- (d) If the application is approved, on or before April 1 following approval, the Director shall file with the County Assessor and send to the applicant at the applicant's last known address a copy of the resolution approving the application. In addition, for each application which is approved, the Director shall file with the County Assessor on or before April 1 following approval, a document listing the same information otherwise required to be in an ordinance approving an application under this chapter.

(Prior Code, § 2.825; Ord. No. 71-76; Ord. No. 51-96; Ord. No. 55-96; Ord. No. 71-2002; Ord. No. 55-05; Ord. No. 10-06; Ord. No. 42-09)

State law reference(s)—City findings for approval, ORS 607.618.

Sec. 2.830. - Termination.

- (a) If, after an application has been approved, the Director finds that construction of multiple-unit housing was not completed on or before January 1, ~~2022~~ 2032, or that any provision of SRC 2.790 through 2.835 is not being complied with, or any agreement made by the owner or requirement made by the Council is not being or has not been complied with, the Director shall send a notice of termination of the exemption to the owner's last known address.
- (b) The notice of termination shall state the reasons for the proposed termination, and shall require the owner to appear before the Council at a specific time, not less than 20 days after mailing the notice, to show cause, if any, why the exemption should not be terminated.
- (c) If the owner fails to appear and show cause why the exemption should not be terminated, the Director shall further notify every known lender and shall allow the lender a period of not less than 30 days, beginning with the date that the notice of failure to appear and show cause is mailed to the lender, to cure any noncompliance or to provide assurance that is adequate, as determined by the Director to assure the City that the noncompliance will be remedied.
- (d) If the owner fails to appear and show cause why the exemption should not be terminated, and a lender fails to cure or give adequate assurance that any noncompliance will be cured, the Council shall adopt a resolution stating its findings and terminating the exemption. A copy of the resolution shall be filed with the County Assessor and a copy sent to the owner at the owner's last known address, and to any lender at the lender's last known address, within ten days after its adoption.

(Prior Code, § 2.830; Ord. No. 71-76; Ord. No. 27-90; Ord. No. 51-96; Ord. No. 55-96; Ord. No. 55-05; Ord. No. 10-06; Ord. No. 42-09; Ord. No. 35-11)

State Law reference— Termination of exemption, ORS 307.624.

Sec. 2.835. - Extensions.

Notwithstanding SRC 2.830, if the Council finds that construction, or addition of, or conversion to, the multiple-unit housing was not completed by January 1, ~~2022~~ 2032,

due to circumstances beyond the control of the owner, and that the owner has been acting and could reasonably be expected to act in good faith and with due diligence, the Council may extend the deadline for completion of construction for a period not to exceed 12 consecutive months.

(Prior Code, § 2.835; Ord. No. 71-76; Ord. No. 27-90; Ord. No. 7-95; Ord. No. 55-96; Ord. No. 10-06; Ord. No. 42-09; Ord. No. 35-11)