



Staff Report

File #: 24-114

Version: 1

Date: 5/13/2024

Item #: 5.a.

TO: Mayor and City Council

THROUGH: Keith Stahley, City Manager

FROM: Kristin Retherford, Community Planning and Development Department Director

SUBJECT:

Multiple Unit Housing Tax Incentive Program application by Deacon Development, LLC seeking a 10-year property tax exemption for a 105-unit apartment development located at 277 High Street NE.

Ward(s): Ward 1

Councilor(s): Stapleton

Neighborhood(s): CANDU

Result Area(s): Strong and Diverse Economy; Welcoming and Livable Community

SUMMARY:

On March 5, 2024, Deacon Development, LLC (Steve Deacon, Member) (Applicant), submitted an application for participation in the Multiple Unit Housing Tax Incentive Program (Program) for development of a multi-family building tentatively named "High Street Apartments" (Project) on an existing, privately-owned parking lot and the site of the former Salem City Hall in downtown Salem (demolished 1972). The Project will consist of one 23,164 square foot building containing 105 residential rental units.

The Applicant has submitted applications and materials asserting compliance with all Program requirements. The Project contains more than two dwelling units, is located within the Core Area, and meets 8 of the 19 public benefit requirements. Adoption of Resolution No. 2024-15 (Attachments 1, 2, 3) would approve the application by Deacon Development, LLC for tax exemption of the multiple family residential portion of the property under the Program.

ISSUE:

Shall City Council:

- (1) Adopt Resolution No. 2024-15 approving an application by Deacon Development, LLC for tax exemption under the City's Multiple Unit Housing Tax Incentive Program; and

- (2) Direct staff to make a request to boards of other taxing districts to adopt a resolution agreeing with the policy of providing a tax exemption for the project, therefore exempting the multiple family residential portion of the project's full property tax liability?

RECOMMENDATION:

- (1) Adopt Resolution No. 2024-15 approving an application by Deacon Development, LLC for tax exemption under the City's Multiple Unit Housing Tax Incentive Program; and
- (2) Direct staff to make a request to boards of other taxing districts to adopt a resolution agreeing with the policy of providing a tax exemption for the project, therefore exempting the multiple family residential portion of the project's full property tax liability.

FACTS AND FINDINGS:

The Project involves the development of a new multi-family building containing 105 residential living units and 29 onsite parking spaces. SRC 2.790 - 2.835 adopt the provisions of ORS 307.600 - 307.687 to stimulate the construction, or addition of or conversion to multiple-unit housing in the designated core area of the City of Salem. Criteria, standards, and other guidelines are further detailed in the Standards and Guidelines for The Multiple Unit Housing Tax Incentive Program, adopted by the Council. The applicable statutes, code, and criteria are shown below in **bold** print. This application was submitted prior to Council approving changes to the requirements for projects with 100 units or more of multiple family housing, and those new standards were not applied to this application. Following each criterion is a finding relative to the application.

ORS 307.606(4): States that prior to accepting applications under ORS 307.600 to 307.637, cities and counties shall promulgate standards and guidelines to be utilized in considering applications and making determinations required by ORS 307.618.

Finding: The City has adopted Standards and Guidelines for the Program, and most recently updated them in 2022, through Resolution No. 2022-52.

ORS 307.612: Provides that the first year of the exemption for an approved project is the assessment year beginning January 1 immediately following the calendar year in which construction, addition or conversion is completed, determined by that stage in the construction process when, pursuant to ORS 307.330, the improvement would have gone on the tax rolls in the absence of the exemption provided for in ORS 307.600 to 307.637.

Finding: The Applicant has asked for exemption starting in 2026. Should the Project not receive a Certificate of Occupancy until 2026, the exemption would not start

until 2027.

ORS 307.618: As applicable to this application, the City may approve an application under a program if the City finds:

- (1) The owner has agreed to include one or more design or public benefit elements as specified by the city or the county;
- (2) The project is or will be, at the time of completion, in conformance with all local plans and planning regulations, including special or district-wide plans developed and adopted pursuant to ORS chapters 195, 196, 197, 215 and 227 that are applicable at the time the application is approved.
- (3) The owner has complied with the City's adopted Standards and Guidelines.

Finding: Design or Public Benefit Elements:

The Applicant has identified 8 of the 19 available design or public benefit elements as specified in SRC 2.815 (see below). Staff believes the application meets 8 of the 19 available design or public benefit elements and complies with this requirement.

Local Plans and Land Use Regulations:

Land Use Approval:

The Project has submitted for Site Plan approval and Design Review.

Local Plans:

Riverfront-Downtown Urban Renewal Area Plan:

Section 400, Objective 2:

To maintain the central core area as the dominant center for regional retail and office development.

Section 400, Objective 5:

To improve the pedestrian flow and protection for pedestrians between retail activities, offices, public facilities, parking, and related areas, through improvements at street level as well as grade-separated pedestrian ways.

Section 400, Objective 7:

To encourage private restoration, rehabilitation, development, both within and adjacent to project areas, through public improvements in project areas.

Section 400, Objective 11:

To encourage the development of new housing through the use of available measures, such as the tax abatement provisions of HB 2343.

Section 400, Objective 12:

To increase the total housing supply adjoining the retail core.

ORS 307.621: A city or county shall approve or deny an application filed under ORS 307.618 within 180 days after receipt of the application and that an application not acted upon within 180 days shall be deemed approved.

Finding: The application was received on March 5, 2024. Council has until September 1, 2024, to issue a final decision on the application.

ORS 307.637(2): An exemption for multiple-unit housing may not be granted under ORS 307.600 to 307.637 unless:

(2) In the case of multiple-unit housing described in ORS 307.603 (5) (b), the construction, addition or conversion is completed on or before December 31, 2031.

Finding: The application proposes multi-family housing, and therefore 307.637(2) is applicable, and must be completed on or before December 31, 2031. The Applicant has noted the Project's planned completion date is spring 2026.

SRC 2.800: To be eligible for the property tax exemption provided by SRC 2.790-2.835 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 2.790-2.835 and approved by the City Council;**
- (b) Be housing which is constructed on or after January 1, 2022, and completed on or before December 31, 2031.**
- (c) Be located within the designated core area.**

Finding: The Project is located within the Core Area and includes 105 rental apartment units. As noted above, planned completion date of the Project is Spring 2026. As discussed below, the Applicant has identified 8 of the 19 public benefit elements.

Staff believes the Project meets 8 of the 19 public benefit elements and complies with the

requirements in SRC 2.800 and is eligible.

SRC 2.810: Application Procedure Requirements.

Finding: The Applicant submitted a complete application.

SRC 2.815: Design Elements Benefitting the Public. To qualify under the Program, an applicant must propose and agree to include in the proposed project one or more design elements benefitting the general public; however, public benefits provided by this section are not necessarily required to be available to the public at large if the City Council finds the design elements proposed by the applicant provide sufficient public benefit.

Finding: The Applicant has submitted material (Exhibit A of Resolution 2024-15) indicating 8 of the 19 public benefits outlined in SRC 2.815 will be met by the Project.

Public Benefits Addressed:

1. Unit sales prices or rental rates accessible to a broad range of mixed incomes.
 - a. Rental rates will range from \$1,375-\$1,995 per month.
2. Recreation Facilities.
 - a. The building will feature a fitness center and aerobic space.
3. Open Space.
 - a. The building will feature a rooftop deck for gatherings, grilling, seating, and a fire pit.
4. Development or redevelopment of underutilized or blighted property.
 - a. The project will develop a surface parking lot in downtown Salem.
5. Development in structures that may include ground level commercial space.
 - a. The project will include seven live/work units on the first floor.
6. Development of existing surface parking lots.
 - a. The project will develop a surface parking lot in downtown Salem.
7. Provision of parking spaces within the structure.
 - a. The project will include enclosed parking within the building footprint.
8. Provision of amenities and/or programs supportive of the use of mass transit.

- a. The building will include a large-screen monitor displaying "TransitScreen" displaying real-time arrival information for Amtrak, Cherriots, and vehicle sharing systems.

Public Benefits Not Addressed:

1. Common meeting rooms;
2. Day care facilities;
3. Facilities supportive of the arts;
4. Facilities for the handicapped
5. Special architectural features;
6. Service or commercial uses which are permitted and needed at the project site but not available for economic reasons;
7. Dedication of land or facilities for public use;
8. Provision of pedestrian oriented design features;
9. Extra costs associated with infill or redevelopment;
10. Development on sites with existing single-story commercial structures;
and
11. Leadership in Energy and Environmental Design (LEED) Certification by the Green Building Council of the project.

SRC 2.825: City Council Review. The City Council may approve the application if it finds, in accordance with adopted Standards and Guidelines, 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 City Council;**
- (3) The project is in conformance with the comprehensive plan and zoning regulations; and**
- (4) The public benefit the property will receive pursuant to the**

Program will be reasonable when considered in combination with other public benefits it is receiving or for which the owner plans to apply.

Finding:

1. As set forth above, staff believes the Project is eligible.
2. As set forth above, staff believes the Project includes adequate design elements benefitting the public to satisfy SRC 2.815.
3. The Project has submitted for Site Plan approval and Design Review.
4. Application materials support a finding that 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.

The deadline for Council to make a decision on the application is September 1, 2024. If Council does not issue a final decision by September 1, 2024, the application will be deemed approved. If approved, Resolution No. 2024-15 will become effective upon adoption.

BACKGROUND:

In June 1976, Council enacted Salem's Multiple Unit Housing Tax Incentive Program (Program), Salem Revised Code (SRC) 2.790-2.835. The Program is authorized by Oregon Revised Statute (ORS) 307.600-307.691, which allow local governments to establish a program for property tax exemptions to stimulate the construction of transit-supportive multiple unit housing in the core areas of Oregon's urban centers. The Program provides a property tax exemption for up to 10 years for new or converted, transit supportive, non-transient multiple family housing units constructed within the defined core area (Attachment 4) that provide one or more public benefits as defined in the ordinance. The basic tenets of the Program are:

- The project must include at least two dwelling units per Standards and Guidelines adopted by Resolution No. 2022-52;
- The project must be located within the "Core Area" as defined in SRC 2.800(c);
- The project must include at least one public benefit as outlined in SRC 2.815; and
- Council shall, by resolution, make a decision within 180 days of receipt of the application or the application is automatically deemed approved.

The Program provides for a tax exemption only for the City's tax levy, estimated to be \$44,758 in the first full year. Pursuant to ORS 307.606(1), in order for a project to be exempt from property taxes from other taxing districts, such as counties or the school district, the governing bodies of the taxing

districts, representing 51% or more of the total combined rate of taxation levied on the property under consideration must consent to the exemption. The City and the Salem-Keizer School District collectively represent about 60% of the combined rate of taxation within the Core Area. As set forth in ORS 307.606(1), if the District's Board consents to the tax exemption for a project under the Program, the project will be exempt from all local property taxes for the period authorized, estimated to be \$179,033 in the first full year. A resolution approving the Project's participation in the Program by another taxing district, such as the School District, will have no effect on their tax revenue.

On October 11, 2021, City Council amended SRC 2.830(a) extending the Program to January 1, 2032. Each application requesting approval is evaluated on a case-by-case basis by the City Council. Since 1976, 12 properties have been approved by Council for this Program:

890 Commercial St. NE Apartments (7 units) - 890 Commercial Street NE
Tax exemption period expires in 2036.

City Center Apartments (157 units) - 420 Center Street NE
Tax exemption period expires in 2035.

SAMAX, LLC (2 units) - 227-229 Commercial Street NE
Tax exemption period expires in 2033.

990 Broadway Building (23 units) - 990 Broadway Street NE
Tax exemption period expires in 2032.

Parke 325 Building (30 units) - 325 13th Street NE
Tax exemption period expires in 2031.

Koz on State Street/Nishioka Building (142 units) - 260 State Street
Tax exemption period expires in 2031.

The Court Yard Apartments (40 units) - 211 Court Street NE
Tax exemption period expires in 2030.

South Block Apartments (178 units, Phases I & II) - 315 Commercial Street SE
Tax exemption period expires in 2025 & 2027 (Phases I & II respectively).

The Residences at Riverfront Park (118 units) - 230 Front Street SE
Project cancelled prior to construction.

Willamette Landing Apartments (89 units) - 1601-1675 Water Street NE
Tax exemption period expired in 2000.

Forum Apartments (62 units) - 350 13th Street SE
Tax exemption period expired 1990.

Mill Bridge Terrace Apartments (24 units) - 728 Church Street NE
Tax exemption period expired in 1987.

Clint Dameron
Real Property Services Manager

Attachments:

1. Resolution No. 2024-15
2. Exhibit A to Resolution No. 2024-15
3. Exhibit B to Resolution No. 2024-15
4. Core Area Map