

FILED

SEP 28 2022

Washington County
County Clerk

IN THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

ORDINANCE No. 891

ADOPTED

An Ordinance Adopting Chapter 3.27 of the
Washington County Code Establishing a
Commercial Property Assessed Clean Energy
("CPACE) Program

The Board of County Commissioners of Washington County, Oregon, ordains as follows:

SECTION 1. FINDINGS:

A. The Board finds that ORS 223.680 and ORS 223.685 authorizes the County to establish a program to assist owners of qualifying real property with securing the financing of cost-effective energy improvements and seismic rehabilitation improvements, known as the Commercial Assessed Clean Energy (CPACE) Program.

B. The Board finds that the CPACE Program authorizes and supports the financing of energy and water efficiency improvements, renewable energy upgrades and seismic rehabilitation improvements for qualifying real property buildings using a property benefit lien.

C. The Board finds that reducing energy and water consumption and improving seismic resiliency through building retrofits will strengthen the County's economic infrastructure by improving property values, building performance, and marketability of the real property within Washington County.

1 D. The Board finds that Washington County is committed to taking action to increase
2 energy efficiency, promote climate resiliency and to reduce climate impacts including reducing the
3 carbon footprint.

4 E. The Board finds that Washington County is committed to equitably advancing
5 sustainable economic development and ensuring communities most in need will benefit from
6 these opportunities.

7 F. The Board finds that the Washington County CPACE Program can be successfully
8 implemented by the County Administrator, in consultation with the Treasure and Director of
9 Assessment & Taxation/County Clerk so to minimize local administrative burden and cost while
10 ensuring that Washington County is protected financially and legally.

11 G. The Board finds that the CPACE Program allows qualifying Property Owners to
12 apply for approval of CPACE benefit assessments on their qualifying real property buildings to
13 repay financing from third party private capital providers and said benefit assessments will be
14 recorded on title to their property upon approval and closing of financing, with appropriate
15 protections for the County.

16 H. The Board finds that notice to utilities that distribute electric energy, natural gas or
17 water within the areas of the CPACE Program have been provided in accordance with ORS
18 223.680(3).

19 I. The Board finds and takes public notice that is in receipt of all information
20 necessary to consider this Ordinance in an adequate manner, that this Ordinance complies with
21 the requirements set forth in the Washington County Charter and the Washington County Code.
22

1 SECTION 2.

2 The following exhibit, which is marked as Exhibit 1 (2 pages) is hereby adopted and
3 incorporated herein at Chapter 3.27, Title Three, Revenue and Finance, of the Washington County
4 Code.

5 SECTION 3

6 Nothing herein is intended, nor shall it be construed, as amending, replacing, or otherwise
7 being in conflict with any other ordinances of Washington County, the Community Development
8 Code, or any other Code or statutory provisions unless expressly so stated.

9
10 SECTION 4

11 If any portion of this Ordinance, including the exhibit, shall for any reason be held invalid,
12 unconstitutional, or unenforceable by a body of competent jurisdiction, the remainder of this
13 Ordinance shall not be affected thereby and shall remain in full force and effect.

14 SECTION 5

15 The Office of County Counsel of Washington County, Oregon is authorized to codify this
16 Ordinance and to make any technical changes, not affecting its substance, as are reasonably
17 necessary to accomplish codification.

18 SECTION 6

19 This Ordinance shall take effect thirty (30) days after adoption.
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21
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1 ENACTED this 18th day of October, 2022, being the 2nd reading and
2 1st public hearing before the Board of County Commissioners of Washington County, Oregon.

3
4
5 BOARD OF COUNTY COMMISSIONERS
6 FOR WASHINGTON COUNTY, OREGON

7 *John Lyt*
8

CHAIR

9 *Kevin Moss*
10 RECORDING SECRETARY

11
12
13 READING

14 First 10/4/22
15 Second 10/18/22
16 Third _____
Fourth _____
Fifth _____

PUBLIC HEARING

14 First 10/18/22
15 Second _____
16 Third _____
Fourth _____
Fifth _____

Excused: Rogers

17 VOTE: Aye: Harrington, Treece, Fai, Willey Nay: _____

18
19 Recording Secretary: *Kevin Moss* Date: 10/18/22

CHAPTER 3.27
COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY (CPACE) PROGRAM

Sections:

- 3.27.010 Short Title.
- 3.27.020 Authority.
- 3.27.030 Definitions.
- 3.27.040 CPACE Program Authorized.
- 3.27.050 Special Benefit Assessment Lien.
- 3.27.060 Enforcement.

3.27.010 Short Title.

This chapter shall be known, and may be pleaded, as the "Washington County Commercial Property Assessed Clean Energy (CPACE) Program."

3.27.020 Authority.

This ordinance is adopted pursuant to the authority granted by Oregon Revised Statutes (ORS) 223.680 and 223.685.

3.27.030 Definitions.

For the purpose of this chapter, words in the present tense include the future, the singular includes the plural, and the plural includes the singular, the word "shall" is mandatory and not directory, and the term "chapter" shall be deemed to include all amendments hereinafter made to this chapter. As used in this chapter, unless the context requires otherwise, the following words and their deviations shall mean:

- A. "Clean energy" shall mean energy that comes from renewable, zero emission sources that do not pollute the atmosphere when used, as well as energy saved by energy efficiency measures.
- B. "Treasurer" shall mean Chief Financial Officer, or their designee, designated to take all actions set forth in ORS 223.505(3).
- C. "Renewable energy" shall mean energy generated from sources that are naturally occurring and replenishable through natural forces over a short period of time, most commonly sun, wind, water and various animal and plant derived fuels.
- D. "Seismic rehabilitation" shall have the meaning given in ORS 223.685(1)(b)(A) – (B).
- E. "Special Benefit Assessment Lien" shall mean a lien recorded and entered against the Qualifying Real Property securing private financing pursuant to ORS 223.680(7)(a) and ORS 223.685(6)(a).
- F. "Utilities improvements" shall have the meaning given in ORS 223.680(1)(c)(A) –(E).

- G. "Qualifying Real Property" shall have the meaning given in ORS 223.680(1)(b) and ORS 223.685(1)(b).

3.27.040 CPACE Program Authorized

The program shall assist owners of record of Qualifying Real Property in financing cost-effective utilities improvements and seismic rehabilitation by facilitating private financing by the owners and any other persons benefited by the financing by securing private financing with a Special Benefit Assessment Lien.

3.27.050 Benefit Assessment Lien

- A. Private financing by the owner or any other person benefited shall be secured by a Special Benefit Assessment Lien.
- B. The Special Benefit Assessment Lien shall have the same priority, as determined under ORS 223.230(3), as a lien for assessments for local improvements arising under ORS 223.393.
- C. The Special Benefit Assessment Lien shall be recorded with the County clerk and entered in the County lien docket.

3.27.060 Enforcement

- A. If any installment on any bonded Special Benefit Assessment Lien is delinquent for a period of one-year from the time it became due and payable, or at any time after 60-days from the time it became due and payable, if not bonded, the County recorder may thereafter prepare and transmit to the Treasurer a list in tabular form, made up from the lien docket, describing each Special Benefit Assessment Lien or installment due on any Special Benefit Assessment Lien that is so delinquent. The list shall also contain the name of the person to who assessed, a particular description of the property, the amount of the Special Benefit Assessment lien or installment due, and any other facts necessary to be given.
- B. The Treasurer or their designee may take all steps necessary to enforce delinquent Special Benefit Assessment Liens and maintain records pertaining to those enforcement proceedings pursuant to the procedures set forth in ORS 223.505 to ORS 223.650, including collecting unpaid Special Benefit Assessment Liens or installments by advertising and selling the Qualifying Real Property in the manner provided in ORS 223.505 to ORS 223.650.
- C. When an individual or entity purchases Qualifying Real Property at a foreclosure sale under ORS 223.505 to ORS 223.650, if, with the written preapproval of the Treasurer or their designee, that purchaser incurs costs for maintaining or improving the Qualifying Real Property during the period allowed for redemption and if the Qualifying Real Property is subsequently redeemed, the Treasurer or their designee may return up to all of the penalty paid by the person redeeming the Qualifying Real Property to the purchaser.