

OCT 18 2022

Washington County
County Clerk

IN THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

ORDINANCE No. 892

ADOTPED

An Ordinance Amending the Washington County
Code Chapter 3.27, the Washington County
Commercial Property Assessed Clean Energy
(CPACE) Program

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

SECTION 1. FINDINGS:

A. The Board finds that Washington County Code Chapter 3.27 establishes the
Washington County Commercial Property Assessed Clean Energy (CPACE) Program.

B. The Board finds that changes to the text of the Washington County Code are
necessary to require the CPACE Program be assessed following two years of program
authorization and implementation.

C. The Board finds that changes to the text of the Washington County Code are
necessary to provide that the CPACE Program will sunset, unless sooner continued by the
Board, on December 31, 2025.

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

1 Code.

2 SECTION 2. ENACTMENT

3 The following Exhibit 1 (3 pages), attached hereto and incorporated herein by reference,
4 is adopted as amendments to Chapter 3.27, Title Three, Revenue and Finance, of the
5 Washington County Code.

6 SECTION 3. SEVERANCE

7 If any portion of this Ordinance, including the exhibit, shall for any reason be held
8 invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be
9 affected thereby and shall remain in full force and effect. In the event that this Ordinance, or
10 any portion thereof is invalidated, the provisions of Washington County Code amended or
11 repealed by the stricken portion of this Ordinance, shall be revised and again be considered in
12 full force and effect.

13 SECTION 4. IMPLEMENTATION

14 The office of County Counsel is authorized to codify this Ordinance, including deleting
15 and adding textual material and maps, renumbering pages or sections, and making any
16 technical changes not affecting the substance of this amendment, as part of the Washington
17 County Code.
18

19 SECTION 5. EFFECTIVE DATE

20 This Ordinance shall take effect thirty (30) days after adoption.
21
22

1 ENACTED this 8th day of November, 2022, being the 2nd reading
2 and 1st public hearing before the Board of County Commissioners of Washington
3 County, Oregon.

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

7 *Kathryn Harrington*
8 KATHRYN HARRINGTON, CHAIR

9 *Kevin Mogg*
10 RECORDING SECRETARY

11 READING

12 First 10/25/22
13 Second 11/8/22
14 Third _____
15 Fourth _____
16 Fifth _____

17 PUBLIC HEARING

18 First 11/8/22
19 Second _____
20 Third _____
21 Fourth _____
22 Fifth _____

VOTE: Aye: Harrington, Fai, Treece, Rogers

Nay: _____

Excused:
Willey

Recording Secretary: *Kevin Mogg* Date: 11/8/22

CHAPTER 3.27
COMMERICAL 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.
- 3.27.070 CPACE Program Assessment.
- 3.27.080 CPACE Program Sunset.

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.

3.27.070 CPACE Program Assessment.

On or before June 30, 2025, the County Administrative Officer shall provide the Washington County Board of Commissioners with an assessment of the CPACE Program including, but not limited to, total funds expended, total county administrative cost, total projects completed, the number of multi-

family residential dwellings served and the number of commercial or industrial buildings served. Such assessment shall be based on at least two years of data.

3.27.080 CPACE Program Sunset.

The CPACE Program shall sunset on December 31, 2025, unless sooner continued by the Washington County Board of Commissioners.