

FILED

JUL 03 2023

Washington County
County Clerk

1 IN THE BOARD OF COUNTY COMMISSIONERS
2 FOR WASHINGTON COUNTY, OREGON

3
4 ORDINANCE No. 895

5 **ADOPTED**

An Ordinance Amending the Washington
County Code Relating to Instruments
Authorized for Recording and Amending the
Washington County Code to Reflect other
Minor Changes

6
7 The Board of County Commissioners of Washington County, Oregon, ("Board") ordains
8 as follows:

9 SECTION 1. FINDINGS:

10 A. The Board finds ORS 93.643 provides that constructive notice of an interest in
11 real property requires documentation of the interest to be recorded in the indices maintained
12 under ORS 205.130 in the county where the property is located.

13 B. The Board finds that Washington County Code 2.40 authorizes certain
14 instruments, including memorandums thereof, to be entered and recorded in the appropriate
15 county record.

16 C. The Board finds various portions of the Washington County Code authorize
17 certain instruments, assessments and liens to be filed in the County lien docket, which is not
18 provided for in Washington County Code 2.40.

19 D. The Board finds that changes to the text of the Washington County Code are
20 necessary to authorize the recording of certain instruments, assessments and liens in the
21 County Lien Record and to reflect other minor updates.

22 E. The Board finds and takes public notice that it is in receipt of all information

1 necessary to consider this Ordinance in an adequate manner, and that this Ordinance complies
2 with the requirements set forth in the Washington County Charter and the Washington County
3 Code.

4 SECTION 2.

5 The following Exhibit A (3 pages), attached hereto and incorporated herein by reference,
6 is adopted as amendments to the Washington County Code:

- 7 1. Chapter 2.40, Instruments to be Recorded in County Records – Exhibit A

8 INSTRUMENTS AUTHORIZED FOR RECORDING;

- 9 2. Chapter 3.20 Local Improvement Districts, Section 3.20.200 Lien – Recordation;

10 3. Chapter 3.20 Local Improvement Districts, Section 3.20.240 Errors in assessment
11 calculation;

12 4. Chapter 3.20.250 Local Improvement Districts, Section 3.20.250 Deficit
13 assessment;

- 14 5. Chapter 3.20 Local Improvement Districts, Section 3.20.260 Rebates; and

15 6. Chapter 3.28 Real Property Special Assessment Apportionment, Section 3.28.010
16 Findings – Necessity; and

17 7. Chapter 3.28 Real Property Special Assessment Apportionment, Section 3.28.080
18 Resolution and order – Contents.

19 SECTION 3.

20 A. Nothing herein is intended, nor shall be construed, as amending, replacing or
21 otherwise being in conflict with any other ordinance of Washington County unless expressly
22 stated.

1 B. If any portion of this Ordinance, including the exhibit, shall for any reason be
2 held invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be
3 affected thereby and shall remain in full force and effect. In the event that this Ordinance, or
4 any portion thereof is invalidated, the provisions of Washington County Code amended or
5 repealed by the stricken portion of this Ordinance, shall be revised and again be considered in
6 full force and effect.

7 SECTION 4.

8 The Office of County Counsel is authorized to codify this Ordinance, including deleting
9 and adding textual material and maps, renumbering pages or sections, and making any
10 technical changes not affecting the substance of this amendment, as part of the Washington
11 County Code.

12 SECTION 5.

13 This Ordinance shall take effect thirty (30) days after adoption.

14 ENACTED this ___1st___ day of ___August___, ___2023___, being the
15 ___2nd___ reading and ___1st___ public hearing before the Board of County
16 Commissioners of Washington County, Oregon.

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18 BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

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KATHRYN HARRINGTON, CHAIR

Kevin Mox
RECORDING SECRETARY

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READING

PUBLIC HEARING

First 7/18/23
Second 8/1/23
Third _____
Fourth _____
Fifth _____

First 8/1/23
Second _____
Third _____
Fourth _____
Fifth _____

VOTE: Aye: Harrington, Fai, Treece,
Rogers, Willey

Nay: _____

Recording Secretary: Kevin Mox Date: 8/1/23

The following sections of the Washington County Code are amended as follows. New material is underlined, and deleted material is ~~stricken~~.

1. **2.40 Instruments to be Recorded in County Records - Exhibit A**
INSTRUMENTS AUTHORIZED FOR RECORDING

20. Any County or ORS 451 District document required to be entered or recorded as a lien in the lien docket or required by ordinance to provide public notice. Examples include: delinquent civil penalties, judgments in favor of the County, delinquent assessments levied and certified by the public body, real property special assessments.

RECORD IN: Lien Record

2. **3.20.200 Lien—Recordation.**

After passage of the order levying assessments, ~~director of the department of assessment and taxation~~ the board shall order the Chief Financial Officer, or their designee, to enter in the lien docket of county liens a statement of the amounts assessed upon each lot, parcel or portion thereof, together with a description of the improvement, the name of the owners, the date of the order and the date upon which payment or application for installment payment is due. Upon such entry in the lien docket the amount so entered, together with interest as it accrues, shall become a lien and charge on the respective lots, parcels or portions thereof which have been assessed. All payments shall be entered in the lien docket and shall discharge the lien to the amount of such payment. Notwithstanding the manner and time of payment of an assessment specified by the board, the whole amount of the assessment together with interest and costs accrued thereon may be paid after the assessment is entered in the lien docket and before it is due.

3. **3.20.240 Errors in assessment calculation.**

Claimed errors in the calculation of assessment shall be called to the attention of the county. If the county finds that there has been an error, the board shall amend the order levying assessments to correct such errors, and shall order the Chief Financial Officer, or their designee, to enter an amendment to the lien ~~make the necessary correction~~ in the lien docket of county liens and send a correct notice of assessment by mail.

4. **3.20.250 Deficit assessment.**

If it is found that the amount of the assessment is insufficient to defray the expenses of the improvement, the board may, by motion, declare such deficit and declare a proposed deficit assessment. The board shall set a time for hearing of objections to such deficit assessment and shall mail notice of the hearing to owners of the affected property. After such hearing, the board shall make an equitable deficient assessment, by order, and order the Chief Financial Officer, or their designee to enter an amendment to the lien which shall be in the lien

docket ~~of county liens~~ as provided by this chapter; and notices of the deficit assessment shall be mailed and the collection of the assessment shall be made in accordance with this chapter consistent with the collection of the original assessment.

5. **3.20.260 Rebates.**

A. If, for any reason, the county collects more than is due under this chapter or any order of the board authorized herein, then the board must ascertain and declare the same by order; and when so declared, the excess amounts must be entered on the lien docket as a credit on the appropriate assessment. In the event that the assessment has been paid, the person who paid the same, or their legal representative, shall be entitled to the repayment of such rebate credit, or portion thereof, which exceeds the amount unpaid on the original assessment. Notice of the rebate shall be sent to the person who paid the amount at the person's last address as shown on the LID records of the county. If, within 60 days, the person cannot be located, payment shall be made to the current owner of the property from which the overpayment arose without recourse against the county by the original payor.

B. ~~County~~ The appropriate department shall notify in writing the party who deposited security deposit funds or assurances of any funds eligible to be released. Prior to close-out of the LID, county shall provide a final written statement of funds which may be claimed. This final statement shall be provided by certified or registered mail, return receipt requested. All notices required to be sent under this section shall be sent to the last known address in the records of the LID. It shall be the sole responsibility of the party eligible to receive such funds to keep the county informed of any change in address or assignment of refund eligibility. Any funds on the date five years from the mailing of the final statement shall be deemed abandoned and become the property of the county.

6. **3.28.010 Findings—Necessity.**

A. Whereas Oregon Revised Statutes Sections ~~308.140 through 308.150~~ 223.317 through 223.327 provide for certain circumstances in which the county may or shall apportion special assessments for local improvements and requires that the county adopt regulations establishing procedures for the equitable apportionment of special assessment pursuant to state law; does determine the necessity of adopting the ordinance codified in this chapter for the benefit of the residents of the county.

B. The board further takes notice that the board is in receipt of all matters and information necessary to consider adequately the necessity of this chapter, and, this chapter being necessary for the protection of the public's safety and welfare, should take effect immediately. (Ord. 296 § 1, 1984).

8. **3.28.080 Resolution and order—Contents.**

At the conclusion of the hearing, the board shall apportion the special assessment in accordance with the above criteria by resolution and order. The resolution and order shall

describe each parcel of real property affected by the apportionment, the amount of the assessment levied against each parcel, the owner of each parcel and such additional information as is required to keep a permanent and complete record of the assessment and the payments thereon. A copy of the resolution and order shall be filed with the county Chief Financial Officer, or their designee ~~recording officer~~ required to keep record and maintain the lien docket ~~who shall make any necessary changes or entries in the lien docket~~ for the county.