

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR
COLUMBIA COUNTY, OREGON

IN THE MATTER OF ESTABLISHING A
COMMERCIAL PROPERTY ASSESSED
CLEAN ENERGY LOAN PROGRAM

ORDINANCE NO. 2025-3

The Board of County Commissioners for Columbia County, Oregon ordains as follows:

SECTION 1. TITLE.

This Ordinance shall be known as Ordinance No. 2025-3 and may also be cited and referred to as the “Columbia County CPACE Ordinance”.

SECTION 2. AUTHORITY.

This Ordinance is adopted under the authority of ORS 203.035, ORS 223.680 and ORS 223.685.

SECTION 3. PURPOSE.

The purpose of this Ordinance is to establish a Commercial Property Assessed Clean Energy Loan Program for Columbia County.

SECTION 4. APPLICATION.

This Ordinance shall apply to all real property located in Columbia County except for where such application is limited by ORS 203.040. The governing body of an incorporated city may opt into application of this ordinance within such city by a duly adopted resolution.

SECTION 5. ADOPTION

The Columbia County CPACE Ordinance, which is attached hereto as Exhibit A and incorporated herein by this reference, is hereby adopted.

SECTION 6. SEVERABILITY

If any provision of this Ordinance, including Exhibit A, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the remaining portions thereof.

SECTION 5. SCRIVENER'S ERRORS.

Scrivener's errors in any portion of this Ordinance may be corrected by Order of the Board of County Commissioners.

DATED this _____ day of _____, 2025

BOARD OF COUNTY COMMISSIONERS FOR
COLUMBIA COUNTY, OREGON

Approved as to form:

By: _____

Kellie Jo Smith, Chair

By: _____

Office of County Counsel

By: _____

Casey Garrett, Commissioner

Attest:

By : _____

By: _____

Recording Secretary

Margaret Magruder, Commissioner

First Reading: _____

Second Reading: _____

Effective Date: _____

EXHIBIT A

Section 1. DEFINITIONS.

As used in this Ordinance, unless the context requires otherwise, the following terms and their derivations shall be the meaning provided below:

- A. “Acts” means ORS 223.680 and ORS 223.685.
- B. “Benefit Assessment Lien” means the special assessment lien levied against the Qualifying Real Property securing CPACE financing, pursuant to ORS 223.680(7)(a) and ORS 223.685(6)(a).
- C. “Building Resiliency Improvements” means those certain Utility and Seismic Rehabilitation improvements to the Qualifying Real Property that meet the requirements of the Acts and program guide.
- D. “Clean Energy” means the 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.
- E. “Columbia County CPACE Program” means the program provided for under the Acts for the financing and construction of Building Resiliency Improvements on Qualifying Real Property.
- F. “Pollutants” means any substance that contaminates air, soil, or water and that in sufficient concentrations contributes to undermining public health.
- G. “Qualifying Real Property” means multifamily residential dwellings or commercial or industrial buildings that qualifies to receive CPACE financing for Building Resiliency Improvements under the Columbia County CPACE program.
- H. “Recorder” means the Columbia County Clerk.
- I. “Renewable Energy” means clean energy that comes from natural sources of processes that are constantly replenished.
- J. “Seismic Rehabilitation” means improvements to Qualifying Real Property that are authorized by the County or its designee and which are intended to reduce or prevent harm to persons and property due to the effects of seismic activity on the Qualifying Real Property.
- K. “Treasurer” means the Columbia County Treasure who is designated pursuant to ORS 223.505(3) to take all steps necessary to enforce delinquent liens and to maintain records pertaining to collection proceedings thereon.
- L. “Utilities Improvements” means improvements to Qualifying Real Property for any of the following purposes: (a) energy efficiency; (b) renewable energy; (c) energy storage; (d) smart electric vehicle charging stations; (e) water efficiency.

Section 2. BENEFIT ASSESSMENT LIENS.

- A. Benefit Assessment Liens shall be entered into the County lien docket.
- B. Pursuant to ORS 223.680(7)(a), Benefit Assessment Liens 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. [Ord. 378, adopted 3/20/2023]

Section 3. ENFORCEMENT OF CPACE BENEFIT ASSESSMENT LIENS.

- A. If any installment on any Benefit Assessment Lien bonded 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 recorder may thereafter prepare and transmit to the Treasurer a list in tabular form, made up from the lien docket, describing each Benefit Assessment Lien or installment due on any Benefit Assessment Lien that is so delinquent. The list shall also contain the name of the person to whom assessed, a particular description of the property, the amount of the Benefit Assessment Lien or installment due, and any other facts necessary to be given.
- B. The Treasurer or its designee may take all steps necessary to enforce delinquent Benefit Assessment Liens and maintain records pertaining to those enforcement proceedings pursuant to the procedure set forth in ORS 223.505 to ORS 223.650, including collecting unpaid 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/entity purchases real property at a foreclosure sale under ORS 223.505 to ORS 223.590, if, with the written preapproval of the Treasurer or its designee, that purchaser incurs costs for maintaining or improving the property during the period owed for redemption and if the property is subsequently redeemed, the Treasurer or its designee may return up to all of the penalty paid by the person redeeming the property to the purchaser.

Section 4. ADMINISTRATION OF PROGRAM.

- A. The Board of Commissioners for Columbia County shall provide for the administration of the CPACE program by resolution.