

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON**

In the Matter of Adopting Policies and)
Procedures For Tax Foreclosure Property) Order No. 29-2017

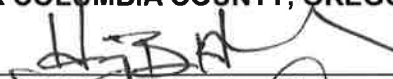
WHEREAS, Columbia County annually acquires property through ad valorem real property tax foreclosure; and

WHEREAS, it is in the best interest of the County to retain or dispose of foreclosed property in a manner that best serves the interests of the County and taxing districts, and in compliance with law;

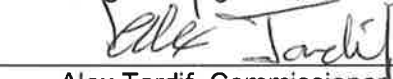
NOW, THEREFORE, IT IS HEREBY ORDERED that the Policies and Procedures for Columbia County Tax Foreclosure Properties which are attached hereto as Attachment 1, are approved. This Order supercedes in its entirety, Order No. 5-2016, adopting the Policies and Procedures for Columbia County Tax Foreclosure Properties, dated March 9, 2016.

DATED this 10th day of May, 2017.

**BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON**

By: 
Henry Heimuller, Chair

By: 
Margaret Magruder, Commissioner

By: 
Alex Tardif, Commissioner

Approved as to form

By: 
Office of County Counsel

Attachment 1

Columbia County Tax Foreclosure Properties Policies and Procedures

Purpose. These policies and procedures are intended to define a transparent County process for the retaining or disposing of tax-foreclosed properties ("Property" or "Properties") that are deeded to the County in accordance with ORS Chapter 312 ("Foreclosure of Property Tax Liens").

General Policy. It is the general policy of Columbia County to retain or dispose of the Properties in a manner that serves the best interest of the County, doing so in a manner that fully complies with ORS 275.020-275.370 ("Management and Disposition of Lands and Resources"), including the broad discretionary authorities provided for under ORS 275.030 and 275.090. In the event of a conflict between these policies and procedures and applicable statutory language, statutory language will prevail. Current statutory language can be viewed at:

https://www.oregonlegislature.gov/bills_laws/ors/ors275.html

Policies and Procedures (before/after)

1. **Pre-Deed Evaluation.** As time and resources allow, County staff or contractors will evaluate the Properties that are on the County Tax Collectors foreclosure list for the purpose of determining if the Properties: (i) can remain in the ownership of the current owner through reasonable County efforts; (ii) may result in significant costs to the County if included on a tax deed to the County; or (iii) should be considered for an expedited conveyance under ORS 312.122 (Reduced Redemption Period) in order to avoid increased risk and/or cost to the County.
2. **Post-Deed Initial Inspection and Insurance.** County staff or contractors will make best efforts to inspect the improved Properties included in the Deed, as well as other Properties, if any, that are recommended for inspection as a result of the pre-conveyance evaluation process within 90 days of receipt of a tax foreclosure deed. A current County inspection form will be used (Attachment A). The purpose of the inspection will be to determine the current status of the Properties and to develop Commissioner-approved asset management plans for each Property (e.g., occupant eviction, code violation abatement and site security measures, such as boarding up doors and window). Unless property-specific circumstances justify otherwise, improved properties will be added to the County insurance policy.
3. **Property Evaluation.** County staff or contractors will review the circumstances associated with the Properties deeded to the County for the purpose of categorizing the Properties as provided in Section 4 below. Information considered will include, but not be limited to, the following (not prioritized):
 - a. Prior record owner circumstances;
 - b. Taxes and interest owed by prior record owners;
 - c. Municipal liens filed against the Properties;
 - d. Whether the property is a legal parcel;

- e. Existing zoning;
 - f. Existing uses of the Property and adjacent properties;
 - g. Contribution value to County programs (e.g. parks, roads, etc.);
 - h. Contribution value to other government programs (e.g. city parks, local government affordable housing programs, etc.);
 - i. Significant encumbrances, restrictions, dedications or reserved rights affecting the Property;
 - j. Legal and sufficient access to the Property;
 - k. Significant abatement needs (e.g. code violations) associated with the Property;
 - l. Likely competitive interest amongst adjacent property owners;
 - m. Known hazards associated with the Property (e.g., landslide potential);
 - n. Boundary disputes or encroachments that may affect the Property;
 - o. Costs incurred by County staff and contractors (e.g. abatement actions, etc.); and
 - p. Other circumstances that may affect a decision to retain or dispose a particular Property.
4. **Property Categorization.** Following from the Property Evaluation, County staff or contractors will recommend the most appropriate follow-up action category for Property deeded to the County, with those categories being:

- a. Sheriff's Sale (ORS 275.110-275.220). Valued at more than \$15,000 and/or are buildable.
- b. County Retention. Appropriate for ongoing County use or requires further evaluation before the Property can be categorized.
- c. Forest, Park or Recreation Area (ORS 275.320 and 275.330). Appropriate for designation as forests, public parks or recreation areas.
- d. Sale or Donation to Federal or State Entity (ORS 275.070). Highest and best use would be achieved by a transfer to a qualified government entity.
- e. Industrial Lands (ORS 275.318). Located in an area that is planned or zoned for industrial uses.
- f. Prior Record Owner Disposals (ORS 275.180). Appropriate for conveyance back to the prior record owner due to errors or other circumstances associated with the property.
- g. Private Sale (ORS 275.225). Valued at less than \$15,000 and is not buildable.
- h. Public Water Supply (ORS 275.080). Appears appropriate for conveyance to a person or corporation that is impounding and selling water to the public.
- i. Mineral Lands (ORS 275.298, 275.300, 275.312, 275.314 and 275.316). Include, or may include, minerals or minerals or mineral rights, including oil and gas.

5. **Disposition Guidelines**

- a. Purchase inquiries should not be considered as to any particular Property until the Property is evaluated and categorized.
- b. Disposition recommendations should be consistent with the disposition category applicable to the Property.
- c. When it is in the County's best interest to do so, reasonable efforts will be taken to enhance property values prior to the Property being offered for sale, such as reasonable repair or encroachment resolution efforts.
- d. Disposition recommendations should fully consider: (i) the apparent value of the Property; (ii) costs incurred by the County after the Property was conveyed by

the County; (iii) additional costs or lost opportunities that will likely result from disposal delays.

- e. County disposals should include a competitive element, unless competition would be inconsistent with the category assigned to the Property (e.g. conveyance to prior record owner).

6. **Disposition Program Priorities.** Generally, disposition work load shall be prioritized as follows:

- a. Asset protection and risk management measures as to particular properties requiring actions such as inspections, site security, trespass abatement, hazardous materials abatement and monitoring;
- b. Identification of lands that should be retained by the County for County use or further evaluation, including lands that may be appropriate for sale or donation to another governmental entity;
- c. Competitive or private sale of properties that require no further action prior to the sale; and
- d. Competitive or private sale of properties that require further action prior to the sale.

7. **Retention Decisions/Procedures.**

- a. Decision Making Factors. When evaluating and categorizing tax foreclosure properties in accordance with the Policies and Procedures, the County shall consider the following factors when deciding if a specific property should be retained by the County for ongoing County uses:

- i. Assemblage. Would combining the property with another County property or right-of-way be the highest and best use of the property?
- ii. Substitution. Should the property be substituted for property the County intends to purchase for a planned County facility?
- iii. Cost Recoupment. If the property is sold, will the sale proceeds significantly reduce un-recouped costs incurred by the County administering the tax foreclosure property program?
- iv. Value. Will the County receive more value, on a net or future value basis, by retaining the property and designating the property for County use, than by selling the property and receiving its share of the sale proceeds through the statutory distribution process (about 12% of net proceeds currently)?
- v. Property Management. Does the County have the capacity to manage the retained property in a responsible manner over time?
- vi. Formal Designation. Is the property uniquely suited for designation as a County forest, park or recreation area in accordance with ORS 275.320?
- viii. Information Deficiency. Is more information needed before a recommendation can be made?
- ix. Other. Are there other factors, including neighborhood expectations, that should be considered?

- b. County Retention Process.

- i. If consideration of the above factors results in recommendations that certain tax foreclosure properties be retained for a specific County

purpose, but not a formal forest, park or recreation designation, the basis of the recommendations shall be addressed on a parcel-specific basis in a Board order, with the order to assign ongoing management responsibilities to the appropriate County department.

- ii. If consideration of the above factors result in recommendations that certain tax foreclosure properties be formally designated as a County forest, park or recreation area, the basis of the recommendations shall be addressed in a Board order in accordance with ORS 275.320, with the order to: (i) assign ongoing management responsibilities to the appropriate County department; (ii) restrict ongoing uses to uses that are consistent with the formal designation; and (iii) restrict use of the revenues from the property in accordance with ORS 275.330(2).
 - iii. If a determination is made that insufficient information exists to determine if a property should be retained by the County, the property will not be sold by the County and the property shall be assigned to the appropriate County department by Board order for interim management purposes until such time that a final decision is made to retain or sell the property.
 - iv. Costs directly related to maintaining a property for possible disposal, rather than for County use, shall be recouped by the County in accordance with ORS 275.275.
- c. Government Body Transfers. In the event that the property review provided for in this policy results in a decision that a property should be transferred to a governmental body, including municipal corporations or service districts, the applicable governmental body shall be provided a reasonable period of time to consider and accept the property transfer. In the event that the governmental body does not accept the property within said time frame, the County will assign or dispose of the property in a manner that best serves the County in accordance with applicable provisions of law. When reasonable to do so, the property transfer shall require that the County be paid at least that amount necessary to compensate the County for costs incurred transferring the property to the governmental body.
- d. County Records. County records, including County geographic information system (GIS) maps, shall be kept current to reflect the status of tax foreclosure properties that remain in County ownership. The records shall accurately reflect: (i) properties that are surplus to County needs and available for purchase; and (ii) properties that have been retained by the County, specifically identifying the County department that is responsible for ongoing management of the property.

8. **Sale Procedures**

- a. Sheriff Sale. Properties sold at a Sheriff's sale will be sold in accordance with procedures set out in ORS 275.110 (Order to Sell), 275.120 (Notice of Sale), 275.130 (Municipal Corporation Claims); 275.140 (Time and Place), 275.150 (Certificate of Sale) and 275.160 (Sale Returns), as those provisions of law may be revised from time to time. County Commissioners will define specific terms and conditions that will be applicable to the sale of any particular Property or

group of Properties, including minimum bid expectations. County Commissioners are not required to offer a Property at any particular Sheriff's sale.

- b. Private Sales. Properties that qualify for private sales may be sold in accordance with procedures set out in ORS 275.225, including a 15-day publication of notice required by that statute. Reasonable efforts will be made to notify adjacent property owners of the intended sale offer. The Property will be sold to the party that best meets the defined expectations of the County, whether that be highest price paid or otherwise. **Note:** Properties offered but not sold at a Sheriff's sale may be sold in accordance with Private Sale procedures, but the 15-day notice is not required for those Properties.
- c. Condition of Property and Title. Properties will be disposed of on an "as is" basis by quit claim deed. The County will provide no representations or warranties as to the condition of the Property or its title, including the Property's legal descriptions or access to the Property. Prospective purchasers will be responsible for researching any and all conditions concerning the Property and determining whether the Property is suitable for intended uses.
- d. Purchase Price Payment. Generally, all sales will require full payment at the time of the sale, and may require an earnest money deposit deemed acceptable by the County Commissioners. Purchase contracts proposals will not be considered by the County, unless it is in the best interest of the County to do so.
- e. Administrative Fee. Unless provided for otherwise in a County property sale Order purchasers will be required to pay an administrative fee equal to \$145.00 or actual costs incurred, whichever is greater. The fee will be used to pay recording fees and other property-specific administrative costs incurred by the County. The administrative fee may be adjusted from time to time by the County Commissioners.
- f. Mineral Reservations. In addition to other rights that may be reserved to the County, County quit claim deeds will reserve to the County the rights to all minerals, ore, metals, metallic clay, oil, gas, hydrocarbon substances and any other substances, along with rights to conduct surface mining, and to use water from springs, creeks, lakes or wells to be drilled or dug upon the Property, as may be necessary or convenient for exploration or mining operations.

9. **Purchase Inquiries and Decision to Sell**

- a. Inquiry Form. Purchase inquiries must be submitted on the County inquiry form attached as Attachment B, which can be downloaded at <http://www.co.columbia.or.us>. Persons calling the County with inquiries about purchasing a Property will be asked to submit the completed form required by this policy. **Note:** Written inquiries will not result in preference rights being granted to the person or entity submitting the inquiry.
- b. Inquiry Processing. Purchase inquiries will be reviewed and processed in a manner that serves the best interest of the County. Inquiries may or may not be processed in the order they are received.
- c. Sale Proceedings. In the event that a purchase inquiry results in County decision to sell the Property the sale will be completed in accordance with sale procedures provided for in Section 7 above, including the payment of the required administrative fee. Specific sale procedures for any particular property or group of properties will as ordered by the Columbia County Board of Commission.

ATTACHMENT A

**Columbia County
Tax Foreclosure Properties Inspection Form**

Date:	Tax Account Number:
Inspector:	Property ID:
Previous Owner:	Address:
Square Feet/Acres:	Property Type ¹ :
Accessible by Car (yes/no):	Evidence of Occupancy (yes/no):
Evidence of Connected Utilities (yes/no):	Abatement Notices Exist (yes/no) If yes, attach copies.
Condition of Property (short summary):	
Immediate Required Security/Enforcement Measures: <ul style="list-style-type: none"> .. Change locks .. Notify utilities of County ownership .. Board up windows and other openings .. Post property .. Occupant(s) Eviction .. Debris Removal .. Other: (explain here) 	
Non-Immediate Property Management/Maintenance Recommendations ² :	
Hazardous Materials Matters: <ul style="list-style-type: none"> .. No physical evidence of hazardous materials .. Visible evidence of minor issues .. Visible evidence of significant issues that may justify a formal site assessment .. Visible evidence of significant issues that may justify contacting DEQ 	
Adjacent Property Concerns, If Any:	
Other Comments ³ :	
<p>Pictures: Please attach pictures of improvements, security concerns, hazardous material concerns, posted signs, etc.</p>	

1. Residential, Commercial, Farm, Industrial, Timbered or Other
2. Regular lawn maintenance, danger tree removal.
3. Actions taken at the time of inspection, concerns raised by neighbors, history of code enforcement actions that should be reviewed, etc.