

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Adopting Policies and)
Procedures for Tax Foreclosure Property) Order No. 60-2016

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

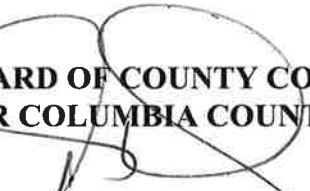
WHEREAS, it is in the best interest of the County to retain or dispose of foreclosed property in a manner that best serves the interests of the County and taxing districts, and in compliance with law;


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.

DATED this 26th of October, 2016.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

Approved as to form
By: 
Office of County Counsel

By: 
Anthony Hyde, Chair

By: 
Henry Heimuller, Commissioner

By: 
Earl Fisher, Commissioner

**Columbia County Tax Foreclosure Properties
Policies and Procedures-Revised**

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 271.330 to ORS 271.360 (“Transfer, Lease, Donation or Use of Public Lands) and 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 ORS312.122 (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):
 - Prior record owner circumstances;
 - Taxes and interest owed by prior record owners;
 - Municipal liens filed against the Properties;

- Whether the property is a legal parcel;
- Existing zoning;
- Existing uses of the Property and adjacent properties;
- Contribution value to County programs (e.g. parks, roads, etc.);
- Contribution value to other government programs (e.g. city parks, local government affordable housing programs, etc.);
- Significant encumbrances, restrictions, dedications or reserved rights affecting the Property;
- Legal and sufficient access to the Property;
- Significant abatement needs (e.g. code violations) associated with the Property;
- Likely competitive interest amongst adjacent property owners;
- Known hazards associated with the Property (e.g., landslide potential);
- Boundary disputes or encroachments that may affect the Property;
- Costs incurred by County staff and contractors (e.g. abatement actions, etc.); and
- 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. **County Retention.** Appropriate for ongoing County use or requires further evaluation before the Property can be categorized.
 - b. **Forest, Park or Recreation Area** (ORS 275.320 and 275.330). Appropriate for designation as forests, public parks or recreation areas
 - c. **Sale or Transfer to Non Profit and Government Entities, Including Municipal Corporations** (ORS 271.330 and ORS 275.070). The property is best suited for affordable housing, social services, child care services, open space or natural area. The sale or transfer will be completed in accordance with applicable provisions of law, including, but not limited to public hearings, use restrictions or reversionary provisions.
 - d. **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.
 - e. **Sheriff's Sale** (ORS 275.110-275.220). Valued at more than \$15,000 and/or are buildable.
 - f. **Private Sale** (ORS 275.225). Valued at less than \$15,000 and is not buildable.
 - g. **Industrial Lands** (ORS 275.318). Located in an area that is planned or zoned for industrial uses.
 - 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).
- f. Non-profit entity transfers should be made to organizations that are best suited to achieve the County purpose associated with the transfer (e.g. timely construction of affordable housing). In the event of equally capable organizations, the County will use an equitable process for making final transfer decisions (e.g., lottery, transfers between the entities on a rotational basis, etc.).

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. Identification of lands that will serve a public purpose of the County through a sale or transfer of the property to a non-profit or government entity, including municipal corporations.
- d. Competitive or private sale of properties that require no further action prior to the sale; and
- e. Competitive or private sale of properties that require further action prior to the sale.

7. **Sale Procedures**

a. **Sale Price.**

- i. Properties categorized for sale by the County shall be sold for at least 75% of the Assessor's estimated real market value, except as to properties that should be sold for more or less than that amount due to special circumstances associated with the property (e.g., high market interest or property management liabilities).
- ii. Properties offered but not sold at a Sheriff's sale will be sold on a first come/first serve basis after the sale at a price not less than 90% of

the Sheriff's Sale minimum bid amount, with the sale price to be reviewed and adjusted annually as appropriate, but never adjusted to less than 15% of the Sheriff's Sale minimum bid amount.

Notwithstanding this policy, certain property prices may be revised immediately to 15% of the Sheriff's Sale minimum bid amount if it is determined to be in the best interest of the Count to do so (e.g., properties with significant property management costs).

- iii. Properties categorized for private sale (not required to be sold at a Sheriff's sale) will first be offered at 80% of the Assessor's estimated real property value or \$500, whichever is greater, except as to properties that should be sold for more or less than that amount due to special circumstances associated with the property (e.g., high market interest or property management liabilities). Thereafter, the minimum sale price will be reviewed and adjusted annually to facilitate the timely disposal of the properties, provided, however, no property will be sold for less than \$500 unless it is determined to be in the best interest of the County to do so.
- b. **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.
- c. **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.
- d. **Marketing.** County staff may rely on contractors or realtor services to market certain properties, subject to procurement policies applicable to those services.
- e. **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.
- f. **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.

- g. **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.
- h. **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.

8. **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 Commissioners.

9. **Web Page Postings.** A listing of County surplus properties will be maintained on the County web page, with the listing to include:

- a. Parcel location information;
- b. The sale category of each property (e.g., Sheriff Sale Required or Private Sale Qualified); and
- c. The current sale price for each property.

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: <input type="checkbox"/> Change locks <input type="checkbox"/> Notify utilities of County ownership <input type="checkbox"/> Board up windows and other openings <input type="checkbox"/> Post property <input type="checkbox"/> Occupant(s) Eviction <input type="checkbox"/> Debris Removal <input type="checkbox"/> Other: (explain here)	
Non-Immediate Property Management/Maintenance Recommendations ² :	
Hazardous Materials Matters: <input type="checkbox"/> No physical evidence of hazardous materials <input type="checkbox"/> Visible evidence of minor issues <input type="checkbox"/> Visible evidence of significant issues that may justify a formal site assessment <input type="checkbox"/> Visible evidence of significant issues that may justify contacting DEQ	
Adjacent Property Concerns. If Any:	
Other Comments ³ :	
Pictures: Please attach pictures of improvements, security concerns, hazardous material concerns, posted signs, etc.	

¹ Residential, Commercial, Farm, Industrial, Timbered or Other

² Regular lawn maintenance, danger tree removal,

³ Actions taken at the time of the inspection, concerns raised by neighbors, history of code enforcement actions that should be reviewed, etc.

Columbia County

EXHIBIT B



**Tax Foreclosure Property
Purchase/Lease Inquiry**

PROPERTY IDENTIFICATION

[If the County is not the name of the property owner, we are unable to assist you in your request]

Please provide the following information about the parcel you are interested in:

- Tax Account No
- Property Map No. (e.g. 5N2W16AD1500)
- Address (if known)
- Parcel Size (square feet/acres)
- Real Market Value:

The above information can be obtained from the Columbia County web site at www.co.columbia.or.us by clicking on Property Assessment under the Property Information Heading and then clicking on the Assessment and Tax Data Online link.

Buildable Status (If known)

Please provide your understanding of what can be built on the property under the zoning and building codes that apply to this property.

INTERESTED PARTY

- Name
- Email
- Address

- Phone No.
- Public or Non-Profit Entity

INTENDED USE

- Residential
 - o Personal
 - o Income
- Business
- Public purpose
- Buffer (protect adjacent property)
- Access to other property
- Industrial
- Other

Non-Binding Offer Amount (not required):

Other information, if any, County should consider when deciding when and how to dispose of the property:

Please Note the Following:

1. Buildable lots or properties valued at more than \$15,000 must be offered competitively at a Columbia County Sheriff's sale.
2. If the property you are interested in was offered but not sold at a Sheriff's sale, the County may sell all or a part of the property outside of the Sheriff's sale process, but not for less than 15% of the minimum bid required at the Sheriff's sale.
3. If the property you are interested in is not buildable and worth less than \$15,000, the County can sell the property directly to interested parties, subject to a 15-day public notice of its intent to do so.
4. Unless it is in the best interest of the County to do otherwise, sales under Category 2 and 3 above will be offered to interested parties on a competitive basis.
5. Tax foreclosed properties are sold on an "as is" basis, with the buyer to receive a quitclaim from the County, reserving the mineral estate and other interests to the County.

DATE SUBMITTED

Inquiry Processing. This inquiry is being forwarded to a County contractor for initial processing. 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. For more specific information about the County's disposition procedures, please see current adopted disposition policies @ [web link here].

QUESTIONS contact Shannon Planchon, Columbia County Contractor at Shannon@planchonconsulting or 503/467-8599

DO NOT SEND ANY MONEY WITH THIS FORM.

