

BEFORE THE BOARD OF COMMISSIONERS
HOOD RIVER COUNTY, OREGON

AN ORDINANCE ENACTING TITLE 5, CHAPTER 5.12 OF THE HOOD RIVER COUNTY CODE - “COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY PROGRAM (CPACE)”) **ORDINANCE NO. 378**
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The Hood River County Board of Commissioners adopts the following findings:

WHEREAS, the Hood River County Code (HRCC) contains rules and regulations duly enacted through ordinance by Hood River County and the Hood River County Board of Commissioners; and

WHEREAS, from time-to-time the need arises to make amendments, including new enactments to the HRCC; and

WHEREAS, County staff has identified ongoing and significant issues concerning financing opportunities for commercial properties within Hood River County wherein the proposed development seeks to enhance county goals including those associated with increased energy and water conservation and improvement of structures against seismic damage; and

WHEREAS, the Board of County Commissioners of Hood River County considered this matter at a duly noticed public hearing on March 20, 2023, and concluded that the public will benefit from the proposed enactment of Title 5, Chapter 5.12 of HRCC; now therefore,

NOW, THEREFORE, the Hood River County Board of Commissioners **ORDAINS** as follows:

Section 1. **ENACTMENT.** The identified Section 5, Chapter 5.12 of the HRCC, as fully appearing in “Exhibit A” is enacted as provided in Section 4.

Section 2. **SEVERABILITY.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion constitutes a separate, distinct and independent provision, and such holding does not affect the validity of the remaining portions hereof.

Section 3. **NO CONFLICTS.** Nothing herein is intended to, nor acts herein to amend, replace, or otherwise conflict with any other Ordinances of Hood River County, or any other code or statutory provisions, unless expressly so stated.

Section 4. **EFFECTIVE DATE.** This Ordinance takes effect on the 31st day after the date of adoption.

Adopted this 20th day of March 2023.

**BOARD OF COUNTY COMMISSIONERS
HOOD RIVER COUNTY, OREGON**

DocuSigned by:

Jennifer Euwer

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Jennifer Euwer, Chair

DocuSigned by:

Leticia Moretti

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Leticia Moretti, Commissioner

DocuSigned by:

Arthur Babitz

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Arthur Babitz, Commissioner

Ed Weathers

Ed Weather, Commissioner

Les Perkins, Commissioner

EXHIBIT A

HOOD RIVER COUNTY CODE TITLE 5

Chapter 5.12

COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY PROGRAM (CPACE)

- 5.12.005 Short Title.
- 5.12.015 Purpose and Scope.
- 5.12.025 Definitions.
- 5.12.035 Benefit Assessment Liens.
- 5.12.045 Enforcement of CPACE Benefits Assessment Liens

5.12.005 SHORT TITLE

HRCC Title 5, Chapter 5.12 shall be known as the Hood River County CPACE Ordinance and may be so cited and pleaded. [Ord. 378, adopted 3/20/2023]

5.12.015 PURPOSE AND SCOPE

The purpose and scope of this Chapter is to establish lien security and collection procedures for approved CPACE loans.

5.12.025 DEFINITIONS

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

- A. "Act" 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. "Hood River 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 the real property that qualifies to receive CPACE financing for Building Resiliency Improvements under the Hood River County CPACE program.
- H. “Recorder” means the Hood River 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 (a) intended to reduce or prevent harm to persons and property due to the effects of seismic activity on the Qualifying Real Property; and (b) authorized by the County or its designee.
- K. “Treasurer” means the Hood River County Budget and Finance Director, 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.

5.12.035 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]

5.12.045 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.