

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 968

Amending MCC §§ 27.10-27.158 and Adding Provisions Relating to Procedures for Determining Priority of Tax Foreclosed Property Uses

(Language ~~stricken~~ is deleted; double- underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- a. On August 24, 2000, by Ordinance No. 950, the Board amended MCC §§ 27.100-27.108 and added MCC §§ 27.150-27.158 relating to tax foreclosed property.
- b. The Board wishes to amend MCC §§ 27.100-27.158 and add provisions in order to reprioritize procedures for determining greenspace and affordable housing uses.

Multnomah County Ordains as follows:

Section 1. MCC § 27.100 is amended as follows:

COUNTY REAL PROPERTY

§ 27.100- DEFINITIONS.

For the purpose of MCC §§ 27.100 to ~~27.158~~27.161, the following definitions shall apply unless the context requires a different meaning.

COUNTY PROPERTY. All real property owned, leased or being purchased by the county, except the following:

1. Any tax foreclosed property that has been identified and made available for transfer pursuant to MCC 27.150 to ~~27.158~~27.161 Provided that if any such tax foreclosed property is not ultimately transferred pursuant to MCC 27.150 to ~~27.158~~27.161, that property shall be considered “County Property” under this subchapter and subject thereto.
2. Property required for county right-of-way purposes,
3. Property acquired for reconveyance under community development block grant and urban homestead programs.

DISPOSE OF. To sell, exchange, lease, donate or to otherwise convey county property or any interest therein, ~~other than to donate property.~~

~~**DONATE.** To transfer county property to another governmental entity for public use for no consideration.~~

Section 2. MCC § 27.101 is amended as follows:

§ 27.101 DUTIES AND POWERS OF COUNTY CHAIR.

The Chair shall do any and all things necessary and proper to manage county property, so that such property is put to its highest and best public use, is adequately maintained during the term of such use; and, if disposed of ~~or donated~~, is disposed of ~~or donated~~ in the best interests of the citizens of the county.

Section 3. MCC § 27.102 is amended as follows:

§ 27.102 LIST OF COUNTY PROPERTY NOT NEEDED FOR PUBLIC USE.

The Chair shall routinely maintain and update a listing of county property, excluding leased property, which is not presently needed for public use. The list shall identify each parcel of property, state whether the property is available for disposition ~~or donation~~, state whether the county is actively seeking disposition ~~or donation~~, state the desired disposition ~~or donation~~, and reflect any bona fide offers made to purchase parcels listed. The list shall be made available for public inspection. The list may be changed by the Chair from time to time. The Board shall be given actual notice of additions to or deletions from the list and of the particulars of any bona fide offers.

Section 4. MCC § 27.105 is amended as follows:

§ 27.105 PROPERTY ~~NEEDED~~—REQUESTED BY ANOTHER GOVERNMENTAL ENTITY.

Any county property, except county leased property, ~~needed~~ requested for public use by another governmental entity may be donated, sold, leased, exchanged, transferred or otherwise conveyed to that governmental agency as provided under state law.

Section 5. MCC § 27.106 is amended as follows:

§ 27.106 DISPOSITION OF PROPERTY BY DONATION, SALE, LEASE OR EXCHANGE.

(A) All county property not needed for any public use by the County, ~~except county leased property~~, not disposed of ~~or donated~~ to another governmental agency, may be disposed of to the extent applicable by sale, lease, donation or exchange as authorized under state law ~~pursuant to the provisions of ORS Chapters 271 and 275~~.

~~(B) — All county owned property ordered to be sold at public auction under the provisions of ORS 275.110 shall be sold by the Sheriff for not less than the minimum bid price established by resolution of the Board of County Commissioners.~~

~~(C) — Any property not sold at auction, if the minimum bid price for the property is less than Five hundred dollars (\$500), may thereafter be sold at private sale subject to the requirements of ORS 275.200.~~

~~(D) — All property not sold at the auction, excepting the property described in subsection (C) above, shall be offered for sale at the next public auction. The Board of Commissioners may fix a new minimum bid price for such property.~~

~~(E) — Nothing in this ordinance shall prohibit private sales of county owned property under the provisions of ORS 271.530, ORS 275.070, ORS 275.180, ORS 275.225, or ORS 275.230 when such sales are approved by resolution of the Board of County Commissioners.~~

Section 6. MCC § 27.150 is amended as follows:

§ 27.150* TAX FORECLOSED PROPERTY

§ 27.150- DEFINITIONS.

For the purpose of this subchapter, the following definitions apply unless the context requires a different meaning:

BUILDABLE PROPERTY. Real property determined by the AHDP staff to have no overwhelming topographical, environmental or other physical constraints to the reasonable development of the site for residential uses.

COMMUNITY GARDENS. Public or private land divided into plots for growing vegetables, fruits, flowers, native, or ornamental plants. A community garden may also mean private or public land used for growing or displaying an orchard of small trees, herbs, or dry land plants.

COMPELLING GREENSPACE PROPERTY. Significant greenspace property that is:

- immediately adjacent or contiguous to publicly owned parks or open spaces;
- zoned for open space or parks; or
- designated for open space or parks in a local comprehensive plan.

DAYS. Calendar days unless otherwise noted.

DEPARTMENT. Multnomah County Department of Sustainable Community Development.

DIRECTOR. The Director of the Multnomah County Department of Sustainable Community Development.

GREENSPACE COMMITTEE. The Greenspace Review Committee.

NATURAL AREA. A landscape unit composed of plant and animal communities, water bodies, soil, and rock; largely devoid of human made structures; maintained and manage in such a way as to promote or enhance population of wildlife.

NONPROFIT HOUSING SPONSOR. Any ~~government municipal corporation~~ or nonprofit corporation that is recognized as a “qualifying nonprofit corporation” under state law and organized under the provisions of ORS Chapter 65 as a public benefit corporation for the purpose of undertaking, constructing, or operating a housing project to assist low and lower income families, or authorized by its charter to undertake, construct, or operate such housing projects.

OPEN SPACE. Developed parks with active recreational facilities such as ball fields, tennis courts, playgrounds, community gardens, golf courses, cemeteries, or vacant lands with the potential for becoming a park or natural area.

OPEN SPACE PRESERVATION SPONSOR. Any ~~government municipal corporation~~ or nonprofit corporation organized under the provisions of ORS Chapter 65 for the purpose of preserving and actively managing properties as open spaces, parks or natural areas.

OWNER or FORMER OWNER. A property owner or contract purchaser of record at the time a judicial decree of foreclosure was entered as to the affected property.

PARKS. Publicly or privately owned land designed or utilized for outdoor recreation and devoid of man-made structures for habitation.

PROPERTY. All property acquired by Multnomah County by foreclosure of delinquent tax liens.

REPURCHASE AGREEMENT. A contract to sell tax foreclosed property to the former owner prior to foreclosure.

SIGNIFICANT ENVIRONMENTAL PROPERTY. Real property that is suitable for parks, open spaces or natural areas.

SOCIAL SERVICES AGENCY. An appropriate social service provider, as designated by the Board.

TAX TITLE FUND. The Multnomah County accounting fund maintained to receive proceeds from the sale of tax foreclosed properties and disburse all lawful expenditures therefrom.

Section 7. MCC § 27.153 is amended as follows:

§ 27.153 PROPERTY SALE RESTRICTIONS.

(A) All ~~county owned~~ property ordered to be sold at public auction under the provisions of ORS 275.110 shall be sold by the Sheriff for not less than the minimum bid price established by resolution of the Board.

(B) Any property not sold at auction, ~~if the minimum bid price for the property is less than Five Hundred Dollars (\$500);~~ may thereafter be sold at private sale subject to the requirements of ORS 275.200.

~~(C) All property not sold at the auction, excepting the property described in subsection (B), shall be offered for sale at the next public auction. The Board may fix a new minimum bid price for such property.~~

~~(D) Nothing in this subchapter shall prohibit private sales of county owned property under the provisions of ORS 271.530, ORS 275.070, ORS 275.180, ORS 275.225, or ORS 275.230 when such sales are approved by resolution of the Board.~~

Section 8. MCC § 27.154 is amended as follows:

§ 27.154 PROCEDURE FOR ~~IDENTIFYING PROPERTIES TO BE DESIGNATED~~ SIGNIFICANT ENVIRONMENTAL AND COMPELLING GREENSPACE PROPERTY ~~AS HAVING GREEN SPACE ENVIRONMENTAL VALUE.~~

(A) A Greenspace Review Committee (GRC) is hereby established to review tax foreclosed properties to identify significant environmental and compelling greenspace property~~determine suitability of properties for public use as open space, parks, or natural areas and provide such information to governmental jurisdictions and other interested groups.~~ The ~~committee~~ GRC shall consist of not less than five members to serve at the pleasure of the Board.

(B) ~~When~~ As soon as practicable after the annual comprehensive county deed is recorded for tax foreclosed properties after the expiration of the redemption period, the Department shall provide a list of the properties and any documents relating to the properties to the GRC~~Greenspace Committee~~. The GRC~~Greenspaces Review Committee~~ shall~~may~~ utilize the following factors in a “Greenspaces Screen” to evaluate significant environmental property~~properties for their greenspace value:~~

- (1) The Greenspaces Inventory established by Metro
- (2) The Significant Environmental Concerns Zone established by Multnomah County
- (3) An environmental protections zone established by a city
- (4) An environmental conservation zone established by a city
- (5) Park Deficiency Area Standards (until new criteria can be developed and unless otherwise directed by a local jurisdiction the “National Park and Recreational Association” standards will be used)
- (6) The Combined Sewer Overflow area as determined by the City of Portland.

(C) ~~Within 90-30 days after receipt of the list of available properties,~~ the ~~committee~~ GRC ~~shall furnish the Department~~ will determine which are significant environmental and compelling greenspace property and provide written confirmation that identifies each property so designated by its legal description and street address, if available, to the Department. ~~with a list of properties deemed~~

~~suitable for parks, open spaces or natural areas and shall identify the significant environmental qualities and a proposed public purpose for each property on the list.~~

(~~E~~D) The ~~Greenspace Committee~~GRC's recommendations shall be noted in any notification to governmental entities of properties available for public use transfers under ~~§ 27.156~~this subchapter.

(DE) The ~~Greenspace Committee~~GRC may make recommendations to the Board at any time regarding properties recommended for public use for park, open space or natural area uses if any such property is not transferred for a public purpose under any provision of this subchapter.

Section 9. Subsections (A) – (D) of § 27.156 are amended as follows:

§ 27.156 PROCEDURE FOR DESIGNATING BUILDABLE PROPERTY REQUESTING TRANSFER OF TAX FORECLOSED PROPERTY FOR HOUSING PURPOSES.

(A) An Affordable Housing Review Committee (HRC) ~~has been~~is established to make recommendations to the Board regarding all disposition of tax foreclosed property for affordable housing under the procedures of Affordable Housing Development Program (AHDP). ~~The Affordable Housing Review Committee~~HRC members ~~shall be~~are appointed by the Chair and approved by the Board. ~~The committee~~HRC shall be composed of representatives from: the City of Gresham, the City of Portland, the Community Development Block Grant Urban County Policy Advisory Board, a philanthropic organization, the banking industry, the Citizen Involvement Committee and the Board.

(B) ~~Requests for properties for low income housing will be considered according to procedures established by Multnomah County AHDP and approved by the Board.~~

~~—(C)—~~ A list of properties remaining after transfer requests of governmental units, shall be submitted to AHDP. As soon as practicable after the annual comprehensive county deed is recorded for tax foreclosed properties after the expiration of the redemption period, the Department shall provide a list of the properties to the HRC. The Department shall also provide the HRC with the documents provided to the GRC under §27.154(B).

(~~D~~C) ~~AHDP shall, w~~W~~ithin thirty (30) days after receipt of the list of available properties, advise the Department~~the HRC will determine which are buildable properties, and provide written confirmation that identifies each property so designated by its legal description and street address, if available, to the Department ~~will be processed for low income housing development. Within ten (10) days thereafter, AHDP shall mail the list of available properties to governments and other nonprofit housing sponsors in Multnomah County.~~

Section 10. MCC Chapter 27 is amended to add § 27.160 as follows:

§ 27.160 PROCEDURE FOR RESOLVING CONFLICTS BETWEEN DESIGNATED COMPELLING GREENSPACE PROPERTY AND BUILDABLE PROPERTY.

(A) If after review by the HRC and the GRC there are any properties that have been designated both buildable and compelling greenspace, then within 15 days the Department will convene a joint meeting of the GRC and the HRC. If the committees cannot agree on a recommended use for each property at the joint meeting, the Department Director will decide what use to recommend to the Board.

(B) The Board shall confirm or reverse the recommendation of the joint committees prior to any affected properties being made available for greenspace, housing or governmental purposes.

Section 11. MCC § 27.155 is renumbered and amended as follows:

§ ~~27.155~~27.161 REQUESTING TRANSFER OF TAX FORECLOSED PROPERTY TO GOVERNMENTS FOR NON HOUSING PURPOSES.

(A) As soon as practicable after the procedures set forth in MCC §§ 27.154 - 27.160 have been completed, ~~properties on the annual comprehensive county deed have been conveyed to the county~~, the Department shall mail a list of property available to government units and officially recognized neighborhood associations in Multnomah County with a notice that the properties are eligible for transfer, for non-housing purposes only.

(B) Properties having characteristics identified under § 27.154 or § 27.156 shall be so identified on the property list.

(C) A governmental unit may request transfer of listed property within ~~sixty (60)~~ days after notice of property availability was first mailed. All requests shall be on forms provided by the Department and must be authorized by the requesting governing body.

(D) The Department shall report to the Board all requests for transfer of property by governments. The report shall identify the governmental entity requesting transfer, a description of the property, the amount of, taxes owed when the property was conveyed to the county, all maintenance costs incurred by the county, and the applicant's proposed public use.

(E) The Board shall schedule a public hearing as soon as practically convenient. The Department shall publish notice of the scheduled public hearing in a newspaper of general circulation in the county for two successive weeks. The notice shall describe the property, state that the Board will accept comments concerning the transfer at the hearing and where a copy of the Department's report can be obtained. A copy of the notice shall be mailed to applicants and other persons requesting such notice.

(F) At the conclusion of the hearing, the Board may approve the transfers if the Board determines the transfers will serve the public interest. The Board shall also determine whether such transfers are for monetary consideration or no consideration.

(G) Conveyances of property transferred to governmental entities for a public purpose without consideration, other than housing, shall provide that should the property cease to be used for a public purpose, the title shall revert to the county. This restriction shall not apply to transfers to a governmental body in exchange for payment of the amount of taxes and costs for which the property is liable.

(H) For those properties approved by the Board for transfer to governmental entities, transfer of title shall occur within ~~sixty (60)~~ days, or as soon after as practicable. Refusal of the receiving entity to accept title shall void approval of such transfer and shall result in the property being disposed of as provided by law.

(I) Property maintenance by Multnomah County shall cease upon transfer of the title to the receiving agency.

Section 12. Subsections (E) – (G) of § 27.156 are renumbered and amended as follows:

§ 27.156~~27.162~~ **PROCEDURE FOR REQUESTING TRANSFER OF TAX FORECLOSED PROPERTY FOR HOUSING PURPOSES.**

(A) As soon as practicable after the procedures set forth in MCC §§ 27.154 - 27.160 have been completed, the Department shall mail a list of property available to non-profit housing sponsors with a notice that the properties are eligible for transfer, for low-income housing purposes only.

(B) The HRC shall consider requests for use of these properties for low-income housing according to procedures established by the AHDP and approved by the Board.

(EC) Written applications by housing sponsors shall be filed with AHDP within ~~forty-five~~ (45) days after notice of property availability was first mailed. All requests shall be on forms provided by AHDP and must be accompanied by a non-refundable application fee as set by Board resolution.

(FD) Within ~~sixty~~ (60) days after receipt of applications for property ~~under AHDP~~, the ~~Affordable Housing Review Committee~~ HRC will prepare disposition recommendations to the Board. Recommendations shall be based on the sponsoring organization's stability and viability, the project plan, financial plan and community support.

(GE) Within ~~seven~~ (7) days after AHDP determines any property will not be transferred to a non-profit housing sponsor, because no applications for the property were received or approved, AHDP shall provide the Department with a list of those remaining properties not required for housing development. If any such properties were also not selected-designated by the Greenspace Review Committee GRC as compelling greenspace property, they may be added to the inventory of tax foreclosed properties available for disposition according to law. If any properties were designated compelling greenspace property, the GRC may at its discretion consider proposals for use of any such property as open space, parks or natural areas under § 27.163.

Section 13. MCC § 27.157 is renumbered and amended as follows:

§ 27.157~~27.163~~ **PROCEDURE FOR REQUESTING TRANSFER OF TAX FORECLOSED PROPERTY FOR OPEN SPACE, PARKS OR NATURAL AREAS.**

(A) Requests for properties for open space, parks or natural areas will be considered according to procedures established by the Department in conjunction with the GRC ~~Greenspace Review Committee~~.

(B) A list of properties remaining after transfer requests of governmental units, shall be submitted to the GRC ~~Greenspace Review Committee~~.

(C) The GRC ~~Greenspace Review Committee~~ shall, within ~~thirty~~ (30) days after receipt of the list of available properties, advise the Department which properties meet the Committee ~~GRC~~'s criteria for appropriate use as open spaces, parks or natural areas. Within ~~ten~~ (10) days thereafter, the Department shall mail a notice setting forth the list of available properties to neighborhood associations and nonprofit corporations that have requested the Department to provide such notice together with an application form.

(D) Written applications by nonprofit corporations shall be filed with the GRC Greenspace Review Committee within ~~forty-five~~ (45) days after notice of property availability was first mailed. All requests shall be on the application forms provided with the notice.

(E) Within ~~sixty~~ (60) days after receipt of applications, the GRC Greenspace Review Committee will prepare disposition recommendations to the Board. Recommendations shall be based on the sponsoring organization's stability and viability, the project plan, financial plan and community support.

(F) Within seven (~~7~~) days after the GRC Greenspace Review Committee determines any property will not be transferred to an open space preservation sponsor, the GRC Greenspace Review Committee shall provide the Department with a list of properties not required for open space, parks or natural areas. If such properties were also not selected by AHDP, they may be added to the inventory of tax foreclosed properties available for disposition according to law.

Section 14. MCC § 27.158 is renumbered and amended as follows:

§ ~~27.158~~ 27.164 PROCEDURE FOR DISPOSITION OF REQUESTS FOR TRANSFER OF TAX FORECLOSED PROPERTY FOR HOUSING AND FOR OPEN SPACE, PARKS OR NATURAL AREAS.

(A) Not less than ~~fifteen~~ (15) days after receiving the recommendations from the GRC Greenspace Review Committee and AHDP, the Board shall schedule a public hearing to receive public comments concerning the proposed property transfers.

(B) The Department shall publish notice of the scheduled hearing in a newspaper of general circulation in the county for two successive weeks. The notice shall state the description or location of the properties and that the Board will hear comments concerning the transfer at the hearing. A copy of the notice shall be mailed to the applicants and applicable neighborhood associations and to other persons requesting such notice.

(C) Approval of transfers shall be based upon the degree proposals for transfer are feasible and in the public interest. Transfers to Non-Profit Housing Sponsors may be for consideration or for no consideration. Transfers in connection with the county Affordable Housing Development Program shall require a non-refundable transfer fee as set by Board resolution to offset the cost of administration. The transfer fee may be waived or reduced by the Board upon a finding that a waiver or reduction is necessary. Transfers to Open Space Preservation Sponsors shall be for consideration.

(D) For those properties approved for transfer to non-profit housing sponsors or to open space preservation sponsors, the transfer of title shall occur within ~~sixty~~ (60) days, or as soon after as practicable. Refusal of the receiving entity to accept title shall void approval of such transfer.

(E) A property approved for transfer to an open space preservation entity shall revert back to the county if the receiving entity ceases to use the property for the intended purpose set forth in this ordinance. The Department shall develop and implement a system for monitoring compliance by the receiving open space preservation sponsors with the terms of transfer.

(F) Property maintenance by Multnomah County shall cease upon transfer of the title to the receiving entity.

FIRST READING:

November 1, 2001

SECOND READING AND ADOPTION:

November 8, 2001



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
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