

CLATSOP COUNTY PROPERTY MANAGEMENT POLICY

Adopted by the Clatsop County Board of Commissioners

Adopted: 2012

Amended: 2024

I. PURPOSE

The purpose of the Property Management program is to 1) maintain a complete and accurate inventory of County-owned real property, including tax foreclosures; 2) return surplus properties to the property tax rolls by sale or auction to private parties/entities in a fair and equitable manner; and 3) retain or transfer suitable properties to public agencies or qualified non-profits per Oregon statute.

This policy guides the categorization of County-owned real property for future use, managing those properties, and selling, leasing, trading or transferring to other public, non-profit or private entities.

II. PROCEDURES

A. CATEGORIZATION OF COUNTY-OWNED PROPERTIES

Staff will inventory and identify suitable use or disposition of real properties owned by the County per the Property Categories identified in Section II.A.2.

1. The County Property Categorization Committee, will be designated by the County Manager and include representative(s) from Assessment and Taxation, Public Works, Community Development, County Counsel and the County Manager's Office.

2. The Property Categories:

a) Properties to be Sold at Public Auction or Private Sale

This category includes most properties considered surplus. Statutory exceptions are described in other categories. State law requires surplus tax-foreclosed property be sold at public auction unless it qualifies for private sale under ORS 275.225. For a public auction, a minimum bid is established by either a fee appraisal or an estimated market value determined by the County Assessor. Properties may be designated for sale for cash or contract and by oral auction or written bid. Tax foreclosed property may be held for trade if unsold at public auction pursuant to ORS.

b) Properties Held for County Government Use

This category includes properties held for future County facilities or other uses. The County will follow Oregon Revised Statutes regarding payment of Local Improvement District assessments on County-owned land.

c) Properties Held for Other Governments

This category includes real property suitable for public purposes and use by another governmental entity. Property sold, traded or given to a government outside the auction process must be retained by that government for the intended public purpose and subject to a reversionary clause.

d) Properties suitable for uses as defined by ORS 271.330(2)

This includes real property for the purpose of providing low income housing, social services or child care services by a qualified nonprofit or municipal corporation. Properties transferred under this section must be used for the stated purpose given at the time of the transfer and are subject to a reversionary clause.

Properties potentially suitable for low income housing under ORS 271.330 (2) will be assessed by applying a criteria-based analysis. This analysis will include lot size, zoning, environmental conditions, road/transportation access, infrastructure (sewer/water) capacity and other site-specific considerations. See Attachment A for a summary of considerations to be applied. The completed analysis will be presented to the Board of Commissioners as part of the categorization process. Properties not suitable under this section, will be placed into one of the other categories.

e) Properties Held for Mineral Rights Only

The County may retain mineral rights on parcels that may have future County use, such as a rock quarry.

f) Properties Held for Industrial Development

State law authorizes the County to sell or otherwise convey County-owned property for "industrial uses." Industrial uses include manufacturing, commercial, research and development and warehousing activities. Property to be used for industrial purposes can be sold, traded or conveyed to an individual or business through private negotiations without going through the auction process. Proceeds from the sale of tax-foreclosed property are distributed to the appropriate taxing agencies, unless the property is zoned industrial and the Board of Commissioners designates the proceeds for deposit into the

Industrial Development Revolving account established per ORS 275.318.

g) Properties Held for Right-of-Way Purposes

This category consists of properties that will be incorporated as rights-of-way or dedicated to the public for road purposes. Parcels incorporated in the right-of-way or dedicated to the public will be removed from the County's inventory.

h) Properties Held for Future Park and Recreational Use

This category consists of real property received by the County through tax foreclosure (ORS 275.320), donation, purchase or otherwise acquired and held in trust for future recreational or park use.

Clatsop County shall utilize the County Recreational Lands Committee as a primary public review body for potential County land acquisition and categorization for future park and recreational use, and sales involving County Park or recreational lands or lands adjoining County park properties.

No existing County-owned recreational lands shall be sold, traded or exchanged without the input of the Clatsop County Recreational Lands Committee.

State law authorizes the County to sell or otherwise convey public parks or recreational areas so designated by Order of the Board upon a finding that the sale or conveyance is in the best interest of the public. Any proceeds from the conveyance shall be held for maintenance and improvement of existing parks and recreation lands or future acquisition of lands to be set aside for park or recreational purposes. This also includes properties acquired by tax foreclosure (ORS 275.330).

i) Properties Held for Forest Management

This category consists of parcels of land that the County is holding for forest management

j) Properties Being Used by the County

This category consists of the properties that are currently in use by the County. These include the Courthouse, Jail, Sheriff's Office, Duane Street Annex, Public Works Building, Judge Guy Boyington Building, 800-820 Exchange Street complex, Animal Shelter, and all other buildings and land used by the County, existing County Parks and those properties under active lease by the County to other parties

From time to time, Clatsop County may lease property from a private party for special needs, such as stockpiles, storage or program needs.

k) Surplus Property Leased to a Private Party

Surplus property may be leased to a private party as office space, tower sites, substations, etc., for profit as per an approved contract.

3. First priority will be given to the County's needs and interest for the use of County owned land, including uses consistent with ORS 271.330.
4. The next priority should be other local governments that show a public need and commit to the designated public use within an agreed upon or statutorily required timeframe and reversionary clause.
5. All properties will be placed in Category 1 unless identified as in another category.

B. SALE OR TRADE OF PROPERTIES

1. DISTRIBUTION OF SALE PROCEEDS

- a) The proceeds of Sheriff's sales or public auctions shall be distributed as provided in ORS 275.275. Prior to distribution to the taxing districts or any other use of land sale proceeds, the County will reimburse itself for the incurred maintenance and management costs of those properties from the sale proceeds. These costs include but are not limited to staff time, publication costs, preliminary title searches, recording costs, appraisal fees and timber cruises.
- b) The County will record all deeds and Memorandums of Sale and will reimburse itself for recording costs from the proceeds of the sale.

2. SALE OR TRANSFER TO NONPROFITS

- a) Nonprofit organizations that qualify as tax-exempt under Section 501(c)(3) of the Internal Revenue Code and meet the criteria of ORS 271.330 may acquire properties as part of a development agreement subsequent to the completion of an open and competitive procurement process related to a specific site.

- b) If an unincorporated property is deemed suitable for a use specified under ORS 271.330, and the Board of Commissioners so directs, the County will develop a formal solicitation, seeking interested and qualified applicants (proposals) through a competitive process. If the subject property is located within the boundaries of a city, the city will have first right to receive the property through sale or transfer for a purpose consistent with ORS 271.330.
- c) The property may be transferred or sold at any price the Board of County Commissioners deems appropriate if the proposed use is found to be in the best interests of the County. The use of the property shall be restricted to the public purpose for which it is transferred, and a reversionary clause shall be required, unless waived pursuant to ORS 271.335.

3. SALE OR TRANSFER TO OTHER GOVERNMENTS

- a) Property sold, traded or given to a government outside the auction process must be retained by that government and used for a defined public purpose. The following criteria shall be considered when assessing transfers to other governments:
 - The intended public use will provide benefit to county residents and taxpayers.
 - The possibility of finding a private buyer;
 - The liability or potential maintenance costs if the County retains the property;
 - Cost of disposing of the property at public auction or negotiated sale vs potential sale proceeds;
 - Amount of back taxes owed on the property and the willingness of the local government to pay the County to cover its costs and taxes owed;
- b) The property may be transferred or sold at any price the Board of Commissioners deems appropriate if the proposed use is found to be in the best interests of the County. The use of the property shall be restricted to the public purpose for which it is transferred, and a reversionary clause shall be required, unless waived pursuant to ORS 271.335.

4. REVERSIONARY RIGHTS

- a) The County will uniformly enforce its ownership rights through the reversionary clause in any deed or other conveyance to a public body or non-profit corporation.

- b) The County will examine the specific language of the instrument and the purpose for which conveyance was made.
- c) If the document conveying property to a municipality or non-profit corporation without consideration does not expressly mention a purpose or include a reversionary clause, the County shall take a position that the conveyance was made for a public purpose and that a reversion to the County was required by ORS 271.330.
- d) In a dispute over reversionary rights, the County should first attempt to resolve the matter by mutual agreement in the spirit of the original conveyance. If agreement is not reached, the County will seek resolution through appropriate judicial means.
- e) All property re-acquired by the County through a reversionary clause will be categorized and managed pursuant to County Property Management Policies.

5. PUBLIC SALE OF SURPLUS PROPERTIES BY AUCTION

- a) Parcels in category 1 will be offered for sale at public auction to the general public in a fair and equitable manner.
- b) Staff will strive to hold at least one public auction each year.
- c) Before each public auction, the County will present the date of the sale and the notice of sale listing the properties and minimum bids and whether the sale will be cash or contract, to the Board of Commissioners for approval.
- d) The County Manager or designee are authorized to remove property from the public auction during the two weeks prior to the sale. The Board shall be promptly notified with an explanation of the circumstances justifying the removal.
- e) Contiguous properties may be grouped together for sale as one unit of ownership. This provision allows the County to dispose of property and receive the best return for its surplus property. Parcels to be grouped together shall be annotated on the inventory to be sold as one unit of ownership.
- f) Sales will be for cash only.
- g) Staff shall provide instruction sheets for prospective bidders detailing the terms and conditions of sales and bidder responsibilities during registration at all public auctions.
- h) High bidders who do not pay for property by the deadline established for payment are prohibited from bidding or purchasing County-owned property for two years after the date of the sale.

- i) The Clatsop County Board of Commissioners reserves the right to reject any and all offers on real property. In the event the County does not accept an offer or removes a property from sale after taking bids, bidders will be refunded all deposit monies on that property.
- j) Sales may also be conducted by written bid. To conduct a written bid auction, the County will advertise the property that is for sale and date and time of bid closing in a newspaper of general circulation in the County at least 15 days before date of opening. Written bids received will be secured unopened until the bid closing. All submitted bids must be valid for a period of 30 days from date of opening. Property will be sold to the highest and best bidder who meets the conditions of the sale.

6. DISPOSITION OF PROPERTY THAT DID NOT SELL AT AUCTION

- a) After each auction, surplus properties that did not sell will be made available for private sale. Any offer to purchase must be in writing, and is only accepted when approved by the Board of Commissioners.
- b) Property that has not sold within one year of the first auction will be re-evaluated by the County Categorization Committee and either re-auctioned by oral bid or sold by written bid auction. The Categorization Committee shall establish the revised minimum bid price, with input from Assessment and Taxation.
- c) Tax foreclosed land that did not sell at auction may be exchanged for land of equal appraised value pursuant to ORS 275.060.

7. UNBUILDABLE LAND

- a) Unbuildable tax-foreclosed property may be offered to contiguous property owners through private sale or trade. These parcels are usually small slivers of land that are of value only to the adjoining property owner and require time and expense to the County to manage.
- b) The County will maintain a list of these properties and initiate contact with contiguous owners. In identifying potential buyers, staff will take into account access to surrounding properties.
- c) With the recommendation of staff, the Board of Commissioners will establish the minimum bids; authorize staff to accept offers that meet or exceed the minimum bid and to prepare the deeds, and authorize the Chair of the Board of Commissioners or designee to sign Quit Claim deeds and purchase agreements.

8. EXCHANGES

Tax foreclosed property may be exchanged for property of equal value, pursuant to ORS 271.340. The property received by the County shall be managed as a tax foreclosed property.

- a) Mineral rights may be sold as provided in ORS 275.312-316 or by public sale.

C. MISCELLANEOUS

1. The County may consider easements, sales or leases of County-owned parcels that involve lease agreements with the Department of State Lands and adjoining Floating Recreational Cabins if the applicant is following state and local land use regulations.
2. The County Manager or designee will be the Official Manager of the Clatsop Plains Pioneer Cemetery with the authority to operate a cemetery in municipal ownership. This position is responsible for informing the Oregon Mortuary and Cemetery Board of any changes in management and care of the cemetery and for filing forms with the controlling authority.

Attachment A

Real Property Analysis to Assess Suitability for Low Income Housing

Considerations

Property Description:

Property Address(es):

Describe City, Neighborhood and/or unincorporated area:

Describe characteristics of subject property:

Tax Lot (s):

Parcel(s) size:

Assessed Value:

Zoning:

Zone

Allowable Uses

Maximum Height

Units per acre (if applicable)

Parking requirement

Variance Requirement

Other regulatory requirements

Site Attributes:

Buildable Area (est.)

Number of potential housing units and type

Is property subject to an HOA

Distance to job center(s) and public/health service facilities

Constraints:

- wetland
- inundation zone
- landslide
- other topography/geological (i.e. steep slopes)

Infrastructure:

- Road access
- Mass Transit Access
- Water Access/Limitations

- Waste Water Access/limitations

- Other infrastructure

Environmental:

- contaminated soil, underground storage tanks, etc.

- Brownsfield Assessment

Suitable for Affordable Housing Development (High/Medium/Low):

List other potential public uses:

List Members of Review Team: