

**CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS**  
**Sitting/Acting as (if applicable)**  
**Policy Session Worksheet**

**Presentation Date:** October 26, 2021    **Approx. Start Time:**    **Approx. Length:** 30 Minutes

**Presentation Title:** SB 464 and 2021 Wildfire Legislation Update

**Department:** County Counsel

**Presenters:** Stephen Madkour and Kathleen Rastetter

**Other Invitees:** Assessment & Taxation, Tami Little, Assessor; Bronson Rueda, Deputy Assessor; Lynn Longfellow, Appraisal Manager

**WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?**

Review recent legislation and information and decide whether to proceed with a resolution.

**EXECUTIVE SUMMARY:**

During the 2021 legislative session, three bills were passed that require board review and decisions. Those bills are SB 464, HB 2247, and SB 5006. For today's session, the only bill for your consideration is SB 464. The two others will be discussed at an upcoming policy session.

1. SB 464 – This SB allows the board to adopt an ordinance or resolution by November 9, 2021, that directs the tax collector to grant wildfire relief to all eligible property that suffered loss due to the wildfires or a 30-day continuous disruption of use. It would require the board to adopt a wildfire map that establishes boundaries within which wildfire relief may be granted. This bill was initiated by Marion County with the intent to help isolated communities that were decimated, like Detroit Lake and Mill City. Clackamas County did not experience wild fire destruction to an isolated community.

Note: Any property known by the A&T Department to have been damaged or destroyed by an Act of God (2020 wildfires) will already get tax relief through HB 2341. SB 464 is another option that may provide more tax relief in some situations. SB 464 is attached at the end of this document. A map is also attached at the end of this document detailing the locations of the 78 properties that had improvements destroyed by the 2020 wildfires and received tax relief through existing statutory programs.

**FINANCIAL IMPLICATIONS (current year and ongoing):**

Is this item in your current budget?     YES     NO

What is the cost? \$ Unknown, but will require significant staff time and resources to research and provide the information required by the statute.

What is the funding source?    N/A

**STRATEGIC PLAN ALIGNMENT:**

- How does this item align with your Department's Strategic Business Plan goals? N/A
- How does this item align with the County's Performance Clackamas goals? N/A

**LEGAL/POLICY REQUIREMENTS:**

N/A

**PUBLIC/GOVERNMENTAL PARTICIPATION:**

Marion County was the lead County that supported this legislation and was joined by Clackamas.

**OPTIONS:**

**SB 464**

Option 1 – Adopt a resolution by November 9, 2021 that directs the tax collector to grant wildfire relief to all eligible property that suffered loss due to the wildfires. It would require the board to adopt a wildfire map that establishes boundaries within which wildfire relief may be granted.

Pros –

1. Property owners with destroyed or damaged property within the adopted wildfire map may be granted additional relief.

Cons –

1. Property that was **not** damaged or destroyed could get tax relief creating inequities in the property tax system.
2. All taxing districts in Clackamas County would be impacted by lost revenue with the additional tax relief.
3. No reimbursement of lost revenue from HB 5006.
4. This would be in addition to existing statutory provided relief for damaged property.
5. This bill was intended to help isolated communities in Marion County. Clackamas County does not have isolated communities that were decimated by the 2020 wildfires.

Option 2 – Maintain status quo.

Pros -

1. Maintain fairness and equity in the property tax system.
2. Does not further impact taxing districts with additional lost revenue.

Cons - None

**RECOMMENDATION:**

SB 464 – The Assessor’s Office remains neutral and is available to answer any additional questions to assist the board in making its determination.

**ATTACHMENTS:**

- 1. SB 464 Enrolled
- 2. Wildfire Map

**SUBMITTED BY:**

Division Director/Head Approval \_\_\_\_\_  
Department Director/Head Approval \_\_\_\_\_  
County Administrator Approval \_\_\_\_\_



For information on this issue or copies of attachments, please contact  
Stephen L. Madkour, County Counsel @ 503-655-8362.

**Enrolled**  
**Senate Bill 464**

Sponsored by Senator GIROD, Representatives DRAZAN, CATE; Senators FINDLEY, KENNEMER,  
Representatives BOSHART DAVIS, BREESE-IVERSON, EVANS, MOORE-GREEN, MORGAN,  
RESCHKE, SMITH DB, ZIKA (at the request of former Senator Denyc Boles) (Presession filed.)

CHAPTER .....

AN ACT

Relating to the taxation of damaged property; and prescribing an effective date.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. (1) As used in this section:**

(a) "Disruption of use" means the lack of any of the following for at least 30 continuous days, beginning on any day between September 1, 2020, and September 30, 2020:

- (A) Access, due to road closures;
- (B) Water service;
- (C) Sanitation services;
- (D) Electricity; or
- (E) Telecommunication services.

(b) "Eligible county" means a county any part of which was included in the geographical area covered by the state of emergency declared by the Governor in response to the wildfires that occurred in this state between September 1, 2020, and September 30, 2020.

(c)(A) "Eligible property" means taxable real and personal property, including land, that is located within the boundaries of a wildfire map adopted in accordance with subsection (4) of this section.

(B) "Eligible property" does not mean property subject to assessment by the Department of Revenue under ORS 308.505 to 308.674.

(d) "Owner" means:

(A) In the case of real property, including land, the owner or purchaser under a recorded instrument of sale; or

(B) In the case of personal property, the person assessed, person in possession or owner.

(e) "Wildfire tax relief" means collection by the tax collector of one-sixth of the ad valorem property taxes imposed on eligible property for the property tax year beginning on July 1, 2020, and cancellation of the remainder of the taxes.

(2) The governing body of an eligible county, after consultation with the county assessor and county tax collector, may adopt an ordinance or resolution that directs the tax collector to grant wildfire tax relief to all eligible property that the tax collector knows has suffered a loss in real market value as a result of the wildfires. Wildfire tax relief under this subsection does not require an application from the owner.

(3)(a) An ordinance or resolution adopted pursuant to subsection (2) of this section may also direct the tax collector to grant wildfire tax relief to eligible property not described in

subsection (2) of this section that suffered damage, or disruption of use, as a result of the wildfires.

(b) Wildfire tax relief under this subsection requires the owner of eligible property to file an application that demonstrates to the satisfaction of the tax collector the property's eligibility for wildfire tax relief. An application must be filed before July 1, 2022, or an earlier date if the ordinance or resolution so provides.

(c) The ordinance or resolution shall set forth:

(A) The application forms and process; and

(B) Clear and objective standards for determining eligibility for wildfire tax relief under this subsection.

(d)(A) Eligible property that is the subject of an application approved by the tax collector in accordance with this subsection shall be granted wildfire tax relief.

(B) An owner whose application is rejected in accordance with this subsection may appeal the rejection to the governing body of the county. The governing body's decision on appeal is final.

(4) An ordinance or resolution adopted pursuant to this section must include, as the product of a public process that includes an opportunity for public comment, a wildfire map, in any media or format, that:

(a) Establishes the boundaries within which wildfire tax relief may be granted under an ordinance or resolution adopted pursuant to this section; and

(b) Identifies the eligible property within the boundaries that is granted wildfire tax relief under subsection (2) of this section.

(5) An ordinance or resolution adopted pursuant to this section may apply retroactively but is not valid unless it becomes effective within 45 days following the effective date of this 2021 Act.

(6) If wildfire tax relief granted under this section results in an overpayment of taxes paid on eligible property, the amount of the overpayment determined under this section shall be refunded to the owner of the eligible property as if the owner were an applicant entitled to a refund under ORS 311.806 (1)(i) for the proration of taxes under ORS 308.425.

(7) It is the intent of the Legislative Assembly that this section and ORS 308.425 shall operate concurrently for the property tax year beginning on July 1, 2020. Accordingly, in applying this section, the provisions of this section shall supersede the provisions of ORS 308.425. The provisions of ORS 308.425 may be applied without reference to this section.

SECTION 2. Section 1 of this 2021 Act is repealed on January 2, 2023.

SECTION 3. This 2021 Act takes effect on the 91st day after the date on which the 2021 regular session of the Eighty-first Legislative Assembly adjourns sine die.

**Passed by Senate June 15, 2021**

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House June 25, 2021**

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Tina Kotek, Speaker of House

**Received by Governor:**

.....M.,....., 2021

**Approved:**

.....M.,....., 2021

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2021

.....  
Shemia Fagan, Secretary of State

78 Properties that had improvements destroyed by the 2020 wildfires received tax relief through existing statutory programs.

