

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 282

An Ordinance establishing procedures and approval criteria concerning applications for County approval of Oregon Economic Development Revenue Bond financing for projects located in Multnomah County.

Multnomah County ordains as follows:

Section 1. Findings.

A. ORS 280.330 requires that, prior to action by the Oregon Economic Development Commission to approve economic development revenue bond financing of an eligible project in Multnomah County, such financing must be requested by the Board of County Commissioners.

B. State law requires that the County review applications for Oregon Economic Development Revenue Bond financing for consistency with all applicable adopted local Economic Development Plans and the Comprehensive Land Use Plan.

C. The County's Economic Development Plan commits the County to facilitate the provision of present and future employment opportunities in order to meet the needs of all the citizens of Multnomah County. The plan also encourages the use of public resources to stimulate private investment and the implementation of economic development goals and strategies through assistance programs available from the Oregon Department of Economic Development (DED).

D. Currently, unemployed populations in Multnomah County are more likely to qualify for entry-level positions than non-entry level positions.

E. The County's Economic Development Advisory Commission (EDAC) has recommended that any request by the County under ORS 280.330 be conditioned on satisfaction of the procedural requirements and approval criteria contained in this ordinance. These requirements are consistent with the County's Economic Development and Comprehensive Plans and Policies, and are in the public interest.

Section 2. Codification.

Sections 3 through 9 of this ordinance are hereby added to and made a part of Chapter 11.08 of the Multnomah County Code.

Section 3. Definitions.

As used in this ordinance, unless the context requires otherwise:

"Director" means the Planning Manager of Multnomah County, Department of Environmental Services.

"EDAC" means the Multnomah County Economic Development Advisory Commission.

"Board" means the Multnomah County Board of County Commissioners.

"DED" means the Oregon Department of Economic Development.

"EDC" means the Oregon Economic Development Commission.

"Statewide Planning Goals" means the Oregon Land Conservation and Development Commission (LCDC) planning goals.

G. "Indirect increase in employment" means jobs created outside the applicant's business and in the local area as a result of the additional economic activity generated from the Economic Development Revenue Bond project.

Section 4. Application Procedure.

A. The request for a County approval of an economic development revenue bond proposal, pursuant to ORS 280.330, shall be filed with the Director on an application form provided by the Director.

B. Processing of an application shall not commence until:

1. All information required by this Ordinance is provided and the required fee is paid.

2. The applicant has completed a State DED application and County Equal Employment Opportunity forms;

3. The applicant has selected a bond counsel who is acceptable to the State Treasurer.

4. Each application must be submitted to bond counsel before submission to Multnomah County.

Section 5. Staff Review of Application.

A. A completed application shall be scheduled for public hearing before the EDAC, allowing a maximum of ninety (90) days for preparation of a staff report and the provision of required notices of EDAC hearing.

B. The designated staff shall review the application for conformance with all applicable criteria. The staff shall consult with all appropriate County departments and other governmental units in determining such conformance, and shall prepare a staff report and recommendation concerning the application.

C. In the event an application concerns a project located within an incorporated city in Multnomah County, the staff report shall request certification from city planning and other city designated municipal officials, that the project complies with the applicable plan and zoning ordinance (or the Statewide Planning Goals if land use plan acknowledgement has not been granted by LCDC) and the city's economic development plan, if such plan has been adopted. Recommendation for approval shall not be made in the absence of such certification.

D. Prior to completion of a staff report, one or more application conferences as determined by the Director, shall be held with the applicant. The Director may request attendance at such conferences by representatives of government agencies having an interest in the project, including Multnomah-Washington Consortium and City of Portland Department of Labor Prime Sponsor.

E. The staff report shall identify the applicable approval criteria, state the findings relied on in reaching a recommendation, and explain the justification for the recommendation, based on the facts and approval criteria.

F. A copy of the staff report shall be available at the Division of Planning and Development, and mailed to the applicant no less than seven (7) days prior to the date of the hearing before the EDAC.

Section 6. Notice of Hearing.

A. Notice of a public hearing before the EDAC concerning an economic development revenue bond application shall be mailed at least ten days prior to the hearing to the applicant and other persons having an interest in the application, as determined by the Director.

B. In addition to mailed notice, there shall also be published a notice of the hearing on the application at least once in a daily newspaper having general circulation in excess of 50,000 in Multnomah County, not less than seven (7) days before the hearing.

Section 7. Hearing by EDAC.

A. The EDAC shall conduct a hearing on each application for approval of an economic development revenue bond project. In the event the applicant fails to appear at the hearing, the Commission may either act on the application or may postpone action. The applicant may be required to pay for the costs of any additional public notices required for such a rescheduled hearing.

B. At the conclusion of the hearing on the application, the EDAC shall adopt a recommendation on the application in the

form of a resolution, which shall contain the information required under paragraph E of Section 4 of this ordinance. The resolution including the adopted report evaluating the project, shall be signed by the Chairperson of the EDAC and shall be filed with the Clerk of the Board.

C. The Clerk of the Board shall place the recommendation of the EDAC on the agenda for the next meeting of the Board on planning and zoning matters for which notice may be given as required by law.

Section 8. Hearing by Board of County Commissioners.

A. The Board shall conduct a hearing on a recommendation by the EDAC.

B. Notice of the hearing shall be provided as required in Section 6 of this ordinance, and the Home Rule Charter.

C. At the hearing, the Board shall first receive a staff report, which shall include a summary of the staff recommendation and the action taken by the EDAC. The Board shall next receive testimony from the applicant and by other persons having a substantial interest in the application.

D. At the conclusion of the hearing, the Board shall either approve or deny the application. The action shall be in the form of a resolution similar in form to that adopted by the EDAC. The decision shall promptly be filed with the Clerk of the Board and mailed to the applicant.

E. Rehearing by the Board shall be allowed, if at all, within ten business days after the decision has been filed with the Clerk of the Board. Rehearing shall be allowed only on motion of a Board member who voted with the majority in the initial decision, and shall not be available on motion of a party.

Section 9. EDAC and Board Approval Criteria for State Economic Development Revenue Bond Projects.

A. The project must be on the Oregon Economic Development Commission's eligible activity list. First priority in Multnomah County shall be given to the following types of projects:

1. Manufacturing or other industrial production;
2. Agricultural development or food processing and fisheries;
3. Development or improved utilization of natural resources;
4. Scientific testing including, but not limited to, medical, clinical and engineering testing services;
5. Convention and trade centers which serve a cross-section of the general public;
6. Product distribution facilities;
7. Transportation or warehousing;
8. Timber production or processing;
9. Construction of buildings for corporate headquarters.

B. An application shall comply with:

1. The Comprehensive Land Use Plan (or the Statewide Planning Goals if the plan has not been acknowledged by LCDC), the Economic Development Plan, and plan implementation ordinances of the unit of government having jurisdiction over the site in question; and

2. Multnomah County's Overall Economic Development Plan and plan implementation ordinances; and

3. Multnomah County's Equal Employment Opportunity Ordinance No. 242; and

4. Multnomah County's Economic Development Revenue Bond Ordinance No. 282.

C. An applicant must assert, in writing, that Economic Development Revenue Bond financing is necessary for expansion or location in the County at this time (i.e., without such financing, the project would not be undertaken).

D. An applicant must demonstrate that:

1. The project will result in the creation of permanent employment opportunities, competitively available for all Multnomah County residents, or will prevent a substantial direct reduction in total employment by the applicant, in Multnomah County. "Permanent employment opportunities" are long-term, full time jobs, including such jobs in seasonal industries. Jobs related solely to the construction of the economic development revenue bond project shall not be considered permanent employment opportunities.

2. A substantial proportion of new jobs created, excluding managerial/supervisory, shall be entry-level positions. Entry level positions are those requiring less than two years of training or work experience or combination thereof. The objective is that approximately 50 percent of new non-managerial/supervisory positions created will be entry level.

3. The amount of bond issue per new or retained job shall be reasonable for the industry. The word "retained" refers to those jobs which, but for the Economic Development Revenue Bond, would be lost.

4. The project will result in one of the following:

a. More of the applicant's total production expenditures being made locally;

b. More of the production processes taking place locally;

c. New or expanded markets outside the Portland SMSA;

d. Increased use of locally produced goods and/or raw materials;

e. A substantial indirect increase in employment in the region.

Section 10. Application Fee.

The application fee is \$500.00.

Section 11. Applicability of Ordinance to Pending Economic Development Revenue Bond Applications.

This ordinance shall not apply to any Economic Development Revenue Bond application filed thirty (30) days prior to the adoption of this ordinance before the Board of County Commissioners.

ADOPTED this 17th day of September, 1981, being the date of its second reading before the Board of County Commissioners of Multnomah County, Oregon.

(SEAL)

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By *Philip McLoey*
Presiding Officer

Authenticated this 21st day of September, 1981.

Donald E. Clark
DONALD E. CLARK
County Executive

APPROVED AS TO FORM:

JOHN B. LEAHY
County Counsel for
Multnomah County, Oregon

By *Laurence Kressel*
Laurence Kressel
Deputy County Counsel