

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 408

An ordinance establishing procedures and approval criteria concerning applications for County approval of Oregon Business Development Fund projects located in unincorporated Multnomah County.

Multnomah County ordains as follows:

SECTION 1. FINDINGS.

A. ORS 280.532 requires the governing bodies of local jurisdictions to approve by resolution Oregon Business Development Fund applications for projects located within their boundaries.

B. The Oregon Business Development Fund (OBDF) was set up to provide supplemental public investment capital loans for economic projects which will stimulate business investment, create jobs, and produce community net benefits.

C. Application review procedures established in SB 220 were designed to place minimal procedural burdens on local government and loan applicants.

D. The Board of County Commissioners finds that use of the OBDF program by business and industry in unincorporated Multnomah County to secure investment capital and the establishment of procedures which will expedite project review at the local level are in the public interest and consistent with the legislative intent of SB 220.

E. The OBDF is capitalized with \$2,000,000 from a U.S. Economic Development Administration Grant and \$667,000 in State of Oregon dollars with no more than \$500,000 in outstanding loans granted within a county at any one point in time.

F. Oregon Economic Development Department application review procedures and criteria weigh the public and private financial costs, impacts and benefits of projects submitted for approval.

G. Loan recipients are required to annually report to the Oregon Economic Development Department the number of jobs generated by funded projects for five years or the life of the loan, whichever is longer.

H. Loan preferences established by the Oregon Economic Development Department of OAR 123-17-020 give preference to projects meeting criteria consistent with Multnomah County Comprehensive Land Use and Economic Development Plan policies, and MCC 11.08.250, which establishes criteria for local

review of Oregon Economic Development Revenue Bond applications. Preference will be given to small firms, projects located in economically lagging or rural areas, loans with a high ratio of employment generated to OBDF money sought, and projects resulting in economic diversification, new export production, inflow of capital from outside the area, and/or use of skills of displaced workers.

I. Multnomah County Economic Development Advisory Commission Subcommittee will be established to assist the County Planning Director in review of applications prior to development of the staff report and the subcommittee development of the staff report, and the subcommittee will have the opportunity to testify on the application before the Board of County Commissioners.

J. Oregon Economic Development Commission preference will not be extended to projects which offer severe adverse competitive disadvantages to an existing business.

K. The economic development policy of the Comprehensive Framework Plan (Policy 5) commits the County to locally implementing Oregon economic development programs which are responsive to the economic needs of Multnomah County business, industry, and residents. This policy also supports the use of public funds to leverage private capital and establish self-sustaining public incentive programs.

L. The County's Economic Development Advisory Commission (EDAC) has recommended that local approval of any request under ORS 280.532 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 Framework Plan Policies, and are in the public interest.

SECTION 2. CODIFICATION.

Sections 3 through 7 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:

- A. "Director" means the Multnomah County Planning Director.
- B. "EDAC" means the Multnomah County Economic Development Advisory Commission.
- C. "Board" means the Multnomah County Board of County Commissioners.
- D. "EDD" means the Oregon Economic Development Department.

E. "OBDF" means Oregon Business Development Fund.

F. "OEDP" means Multnomah County Overall Economic Development Plan.

G. "Comprehensive Framework Plan" or "CFP" means Multnomah County Comprehensive Framework Plan Update adopted on September 13, 1983 by the Multnomah County Board of County Commissioners.

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

SECTION 4. APPLICATION PROCEDURE.

A. Any request for County approval of an Oregon Business Development Loan Fund (OBDF) application, pursuant to SB 220 and ORS 280.532, shall be filed with the Director on a project summary form provided by the Director and accompanied by a completed State application.

B. Processing of an application shall not commence until all information required by the Ordinance is provided.

C. The Director shall have prepared a written recommendation with findings based on the application and ordinance approval criteria, within twenty (20) working days of the receipt of the completed application.

D. The designated staff shall review the application for conformance with all applicable criteria. The staff shall consult with all appropriate County departments, other governmental units, and the Economic Development Advisory Commission OBDF Subcommittee in determining such conformance, and shall prepare a staff report and recommendation concerning the application.

E. Prior to completion of a staff report, one or more application conferences as determined by the Director may be held with the applicant. The Director may request attendance at such conferences by representatives of government agencies having an interest in the project and the Economic Development Advisory Commission OBDF Subcommittee.

F. 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.

G. The staff shall submit the staff report and recommendation to the Director.

H. The Director shall file the application, staff recommendation and findings report with the Clerk of the Board within twenty (20) working days of receipt of the completed application.

I. 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 Board.

J. The Clerk of the Board shall place the staff recommendation 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 5. NOTICE OF HEARING.

A. Notice of a public hearing before the Board concerning an Oregon Business Development Fund application shall be mailed at least seven (7) 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 the mailed notice, there shall also be published a notice of 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 ten (10) days before the hearing.

SECTION 6. HEARING BY BOARD OF COUNTY COMMISSIONERS.

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

B. Notice of hearing shall be provided as required in Section 5 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 findings report. The Board shall next receive testimony from the applicant, the Economic Development Advisory Commission OBDF Subcommittee, and by other persons having a substantial interest in the application.

D. The Board shall announce its decision to approve or deny the application at the conclusion of the hearing or at the hearing to which the matter is continued.

E. The Board shall express its decision in a written order, which shall be filed with the Clerk of the Board.

F. A copy of the Board Order shall be promptly sent by the Clerk of the Board to the applicant and Financial Program Manager of the Oregon Economic Development Department.

G. Rehearing by the Board shall be allowed, if at all, within 10 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 an applicant.

SECTION 7. CRITERIA FOR APPROVAL OF OREGON BUSINESS DEVELOPMENT FUND LOANS.

A. The project must be on the Oregon Economic Development Department's eligible activity list. Eligible projects are to result in the development, promotion, or facilitation of one or more of the following activities:

1. manufacturing or other industrial production
2. agricultural development or food processing
3. aquacultural development or seafood processing
4. development or improved utilization of natural resources
5. convention facilities and trade centers
6. tourist facilities other than retail or food service businesses
7. transportation or freight facilities and,
8. other activities representing a new technology or type of economic enterprise that the Oregon Economic Development Commission determines is needed to diversify the economic base of an area other than office buildings, corporate headquarters, retail businesses, shopping centers, food service facilities.

B. An application shall also comply with the Comprehensive Land Use Plan, the Overall Economic Development Plan and applicable plan implementation ordinances.

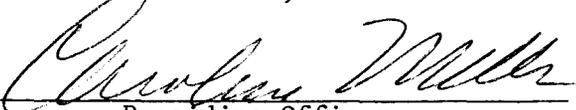
SECTION 8. APPLICABILITY OF ORDINANCE TO PENDING OREGON BUSINESS DEVELOPMENT FUND LOAN APPLICATIONS.

This ordinance shall not apply to any OBDF application filed thirty (30) days prior to the adoption of this ordinance, unless so requested by the applicant.

ADOPTED this 29th day of December 1983, 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 
Presiding Officer

Authenticated this 29th day of December, 1983.


Dennis Buchanan, County Executive

APPROVED AS TO FORM:

JOHN B. LEAHY, County Counsel
for Multnomah County, Oregon

By 