

(Underlined sections are new or replacements; [bracketed] sections are deleted.)

BEFORE THE BOARD OF COMMISSIONERS

FOR THE COUNTY OF MULTNOMAH

ORDINANCE NO. 578

An Ordinance amending MCC Chapter 11.08 to simplify approval procedures for Economic Development Revenue Bond Applications, to reduce the filing fee for such applications and declaring an emergency.

Multnomah County ordains as follows:

Section 1. Findings.

1. MCC Chapter 11.08 creates an economic development advisory commission (EDAC) and establishes procedures for review of economic development projects by the commission, including review of economic development revenue bond applications.

2. State law requires the Board of Commissioners to make recommendations to the State on economic development revenue bond applications concerning projects in the County. To streamline the procedures for more efficient and speedy processing of these applications, the Board of Commissioners deems it desirable (1) to eliminate unnecessary criteria for revenue bond applications, (2) to involve the County Planning Commission rather than EDAC in the review of applications for revenue bonds concerning projects in the unincorporated portions of the County and to authorize city planning officials to certify that projects inside city limits satisfy city land use requirements, and (3) to reduce the filing fee for economic development revenue bond applications.

Section 2. Amendment.

MCC 11.08.200 is amended to read:

11.08.200 Application procedures for economic development revenue bond projects.

(A) The request for a County approval of an economic development revenue bond proposal, pursuant to ORS 280.300, 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 chapter 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 3. Amendment.

MCC 11.08.210 is amended to read:

11.08.210 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 recommendations concerning the application.]

[(C)] (A) In the event an application concerns a project located within an incorporated city in Multnomah County, the designated 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 acknowledgment has not been granted by LCDC)

and the city's economic development plan, if such plan has been adopted. Upon receipt of city certification, the designated staff shall transmit the certification to the Clerk of the Board, who shall schedule a hearing by the Board as soon as is practicable. 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.]

(B) In the event an application concerns a project located in the unincorporated area of Multnomah County, the designated staff shall report to the Planning Commission whether the project is consistent with the County Comprehensive Plan and Zoning Regulations. A hearing before the Planning Commission shall be scheduled.

#### Section 4. Amendment.

MCC 11.08.220 is amended to read:

11.08.220 Notice of hearing.

(A) Notice of a public hearing before the [EDAC] Planning Commission required by

MCC 11.08.210(B) concerning an economic development revenue bond application shall be mailed at least ten (10) 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 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 5. Amendment.

MCC 11.08.230 is amended to read:

11.08.230 Hearing by [EDAC] Planning Commission.

(A) The [EDAC] Planning Commission shall conduct a hearing on each application for approval of an economic development revenue bond project within the unincorporated area of the County. 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] Planning Commission shall adopt a recommendation on the application in the form of a resolution, which shall state whether the application conforms to the County comprehensive plan and zoning ordinances and shall briefly state the reasons for this conclusion. [contain the information required under MCC 11.08.210(E).] The resolution including the adopted report evaluating the project, shall be signed by the [Chairperson] presiding officer of the [EDAC] planning commission and shall be filed with the Clerk of the Board.

(C) The Clerk of the Board shall place the recommendation of the [EDAC] Planning

Commission on the agenda for the next available meeting of the Board [on planning and zoning matters for which notice may be given as required by law.]

Section 6. Amendment.

MCC 11.08.240 is amended to read:

11.08.240 Hearing by Board of County Commissioners.

(A) The Board shall conduct a hearing on [a recommendation by the EDAC] all applications for economic development revenue bonds.

(B) Notice of the hearing shall be provided as required [in MCC 11.08.220 and the Home Rule Charter] by law.

(C) At the hearing, the Board shall first receive a staff report, which shall include a summary of the staff recommendation and the recommendation of city planning officials or the Planning Commission, as appropriate. [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 vote on whether to recommend approval or denial of the application. [either approve or deny the application.] The action shall be in the form of a resolution and shall incorporate by reference the findings of city planning officials or the County planning committee, as appropriate, as to whether the application conforms to applicable land use regulations. [similar in form to that adopted by the EDAC.] The [decision] resolution 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 7. Amendment.

MCC 11.08.260 is amended to read:

11.08.260 Application fee. The application fee is [~~\$650.00~~] \$200.00.

Section 8. Amendment.

MCC 11.08.250 is amended to read:

11.08.250 [~~EDAC~~] Planning Commission 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)] (A) 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] (2) Multnomah County's Equal Employment Opportunity as indicated in MCC 11.08.255[;].

[(4) Multnomah County's Economic Development Revenue Bond as adopted by Ordinance No. 282]

[(C)] (B) 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 9. Adoption.

This Ordinance, being necessary for the health, safety, and general welfare of the people of Multnomah County, an emergency is declared and the Ordinance shall take effect upon its execution by the County Chair, pursuant to Section 5.50 of the Charter of Multnomah County.



ADOPTED this 9th day of June, 1988, being the date of its first reading before the Board of County Commissioners of Multnomah County.

BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON

(SEAL)

By Gladys McCoy  
Gladys McCoy  
Multnomah County Chair

APPROVED AS TO FORM:

LAURENCE KRESSEL, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON

By Laurence Kessel  
~~John L. DuBay~~  
Assistant County Counsel

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