



Oregon

Tina Kotek, Governor

HPAC Work Group Recommendation Template

Last Update: October 5, 2023

Work Group

- Availability of land**
- Land development permit applications
- Codes and design
- Workforce shortages
- Financing

Recommendation #2: Public Owned Land (i.e. Special Districts, Ports, School Districts, Counties/Cities, etc.)

Declare State of Emergency For Housing Production:

- Expand and extend Executive Order 23-02 (merge with EO 23-04) to include production of 36,000 housing units annually as an emergency order.
- Authorize Oregon Emergency Management (OEM) to expand land inventory process in EO 23-02 1.a.vi to include publicly owned parcels beyond those controlled by the State and are suitable for housing development
- Authorize the Department of Administrative Services (DAS) to expand the Enterprise Asset Management process to include analysis for potential housing production, direction to seek co-location (i.e. public works) of state and local services and an equitable disposition process for divesting properties suitable for housing production
- Allow affordable housing developers right of first option on publicly owned land
- Allow local agencies to write down the cost of the land to provide additional subsidy for affordable housing
- Preclude municipalities, special districts, local governments, etc from charter, ordinance or other local legislation that could require additional processes to surplus or lease public land for housing development
- Ensure 'by-right' affordable housing on publicly owned land through legislation which also precludes municipalities from creating local legislation that could require additional processes to permit and approve housing development on publicly owned land.

Related Work Plan Topics

State Owned Land Recommendation: Initial Discussions transpired about submitting the State and Publicly Owned Land as one recommendation. Upon further analysis and discussions with SME's, it was determined that the recommendations should be submitted as separate recommendations.

Adoption Date:

October 5, 2023

Method of Adoption

This recommendation was on the initial list of topics to consider from the Full HPAC Committee. Upon the work group creation, a survey was sent to the members asking to prioritize the recommendation based on speed of implementation, production of housing units, AMI levels of affordability and cost. Public Owned Land was identified in the top 5. The Land Availability Work Group unanimously adopted this recommendation at their meeting on October 4, 2023. A vote was taken and the four members present voted in favor of adopting and moving this recommendation forward to the Full HPAC Group; Elissa, Joel, Deb and Dr Bateman.

Co-chairs Guidance: Standards for Analysis

1. Clearly describe the housing production issue that the recommended action(s) will address.

- a. *Describe the barrier(s) or solution(s) the recommendation seeks to address, and how the existence of the barriers hinders production or how the solution supports production.*

In Oregon, our statewide land use system emphasizes efficient use of land in order to preserve farm and forest land. Land is only added to Urban Growth Boundaries when the 20-year land supply needs to be replenished, which emphasizes the need to use land inside UGB's as efficiently as possible. When land is added to UGB's, it often takes years to plan, fund, and build the infrastructure needed to serve new housing development, and permitting processes also take years to complete before homes can be occupied.

For these reasons, land that is suitable for housing development is in high demand and can be expensive for developers to assemble. Yet many local governments, special districts and other public bodies own land and buildings that may be suitable for housing development and that may already be served by infrastructure. These properties may be able to produce housing more quickly than sites outside UGBs.

Incentivizing local governments, special districts and other public bodies to evaluate their properties and identify which may be suitable for housing development creating a pipeline of housing development opportunities across the state. Creating an equitable, low barrier disposition process would allow housing production to happen more rapidly on these properties. Entering into low-cost, long-term leases would reduce land costs for affordable housing developers and create a mechanism to keep public properties affordable for the long term.

2. Provide a quantitative, if possible, and qualitative overview of the housing production issue.

- a. *Summarize the quantitative and qualitative information available, and reviewed by the work group, that informed the analysis of the barrier or solution and led to the recommendation included in this form.*

The Oregon Housing Needs Analysis report developed by the Department of Land Conservation and Development (DLCD) and Oregon Housing and Community Services (OHCS), which informed the Governor's executive order 23-4 states:

Recommendation 2.1 – Commit sustained, coordinated investment.

- Oregon needs 554,691 new housing units to accommodate 20 years of population growth and to account for current underproduction and the lack of units for people experiencing homelessness. About 176,300 of these units, or 32 percent, will need to be affordable for households earning less than 60 percent of statewide area median income (AMI).
- On its own, the market will not meet the housing needs of all Oregonians. Housing for the lowest income Oregonians will always require public support, and the funding gap for meeting that need is daunting.
- Overall, approximately 49% of Oregon's needed housing over the next 20 years will require some public subsidy.
- Investments should be targeted to the development types that the market would not otherwise produce on its own, such as housing for the lowest income Oregonians that requires public support.
- The most challenging unmet need to address is at the lower end of the income spectrum of households earning less than 60 percent of area median income (AMI). While public support is needed for many types of development, it is most acute to produce about 9,000 units per year that are affordable to low-income households. Lower-income Oregonians are affected most severely by the housing shortage and live with the greatest housing instability. This intervention point has the most urgent need for additional direct subsidies and support.

3. To assess the issue and potential action(s), include subject matter experts representing all sides of the issue in work group meetings, including major government, industry, and stakeholder associations.

- a. *List the observers and participating SMEs at the work group meetings as the recommendation was developed. Identify which participating SMEs provided information to the work group and how. Summarize the information and perspective provided by the participating SMEs. If the participating SMEs expressed disagreement or concern with the work group recommendation, describe the reason.*
- **Land Availability Meeting 9: (8/16/23) Observers included:** Ted Reid (Metro), Anneliese Koehler (Metro), Laura Combs (Metro), Trell Anderson (Housing Oregon), Travis Phillips (Housing Oregon), Ramsay Weit (Housing Oregon), Ariel Nelson (LOC), Mary Kyle McCurdy (1000 Friends), Peggy Lynch (LWVOR), Eric Zechenelly (OMHA), Jay Blake (City of Warrenton), Gail Henrikson (Clatsop County), Melody Rudenko (DSL),

Mark Landauer (Special Districts), Lauren Poor (OFB), Tracy Rainer (Clean Water Services). Subject Matter Experts: Nick Green (Catalyst), Mary Kyle McCurdy (1000 Friends), Andy Shaw (Metro), Deb Flagan (Hayden Homes)

- **Land Availability Meeting 10 (8/30/2023) Observers included:** Mary Kyle McCurdy (1000 Friends), Ted Reid (Metro), Laura Combs (Metro), Ariel Nelson (AOC), Michael Burdick (AOC), Brock Nation (Oregon Realtors), Eric Zechenelly, (OMHA), Peggy Lynch (LWVOR, Tracy Rainey (Clean Water Servicews), Mark Landauer (Special Districts), Jay Blake (City of Warrenton), Ethan Nelson (city of Eugene), Dana Hicks (DSL), Derek Bradley (City of Portland)
- **Land Availability Meeting 11 (9/20/2023) Observers included:** Ted Reid (Metro), Anneliese Koehler (Metro), Laura Combs (Metro), Eric Zechenelly, (OMHA), Peggy Lynch (LWVOR, Tracy Rainey (Clean Water Servicews), Mark Landauer (Special Districts), Jay Blake (City of Warrenton), Ethan Nelson (city of Eugene), Kenny Asher (City of Tigard), Abigail Elder (City of Hood River), Dana Hicks (DSL), Derek Bradley (City of Portland, David Brant (Housing Works)
- **Land Availability Meeting 12 (10/4/2023) Observers included:** Mary Kyle McCurdy (1000 Friends), Ted Reid (Metro), Anneliese Koehler (Metro), Brock Nation (Oregon Realtors), Eric Zechenelly (OMHA), Peggy Lynch (LWVOR), Tracy Rainey (Clean Water Services), Jeremy Rogers (Oregon Realtors), Dana Hicks (DSL), David Brant (Housing Works)
- **SME One-Off Meeting:** Joel Madsen met with Mark Landauer ([Special Districts Association of Oregon](#)) on August 7, 2023
- **SME One-Off Meeting:** Joel Madsen and Deb Flagan met with Portland Community College Staff including Rebecca Ocken, Sage Learn, and Eric Blumenthal) on August 22, 2023
- **SME One-Off Meeting:** Joel Madsen met with Ethan Stuckmayer (Dept. of Land Conservation and development) on August 8, 2023.
- **SME One-Off Meeting:** Joel Madsen and Deb Flagan met with Oregon Property Management Association staff (Kayla Wessel, Kristie Bollinger, and Terry Wells) on September 11, 2023

4. Provide an overview of the expected outcome of the recommended action(s), including quantitative/qualitative context if available.

a. *Outline the desired result or outcome of the recommendation for both housing production and different individuals and communities.*

5. Estimate of the time frame (immediate, short, medium, long-term), feasibility (low, medium, high), and cost (low, medium, high) for implementation of the recommended action(s).

Time Frame	<input checked="" type="checkbox"/> Medium-term	<input type="checkbox"/> Immediate
<input type="checkbox"/> Long-term	<input type="checkbox"/> Short-term	

Feasibility

High
 Medium
 Low

Medium

Low

Cost

High

Add additional context here:

6. Provide a general overview of implementation, the who and how for the recommended action(s).

- a. *To the extent the work group knows, is this implemented in state statute or rule, by the state or local government, by a particular agency, etc.*

Governor's Office: Update Executive Orders 23-02, 23-03, and 23-04 with the consideration of HB3395 6-7.

Office of Emergency Management: would conduct an inventory mapping to include local governments, special districts and public entities holding title to real property within urban growth boundaries.

Department of Administrative Services:

- expand Enterprise Asset Management real property process to analyze and expand opportunities for co-location of state and local jurisdictions.
- Monitor and ensure public land transactions include right of first options for housing developers.

Public entities who hold public property are key partners in the implementation of this recommendation.

7. Outline the data and information needed for reporting to track the impact and implementation of the recommended action(s).

- a. *Identify the data the Governor's Office would need to track to determine if the recommendation is increasing housing production. Flag any areas where data does not exist leaving a gap in understanding outcomes or impacts.*

OEM and DAS report annually on

- Suitable sites identified
- Suitable sites disposed, for what, and to whom
- Housing units produced by geography and income level, populations served

8. Identify any major externalities, unknowns, tradeoffs, or potential unintended consequences.

- a. *Based on the work group's analysis and information provided by participating SMEs, outline what is unknown, the tradeoffs exist by implementing the recommendations, and any known potential unintended consequences. Identify if there are any potential unintended impacts on different individuals or communities.*

Please include any relevant reports, data analyses, presentations, or other documents that would be informative

and useful for the full HPAC as the recommendation is discussed and considered.

Links to relevant resources:

- [OHNA Recommendations Report](#)
- [Oregon EO 23-02](#)
- [Oregon EO 23-03](#)
- [Oregon EO 23-04](#)
- [Public Lands for Affordable Housing Development | California Department of Housing and Community Development](#)
- [Presentation Summary of California's EO N-06-19](#)
- [Housing and Local Land Development Opportunities](#)
- [Statewide Housing Plan \(arcgis.com\)](#)
- [HB 3395-6&7](#)
- [House Bill 2984](#)
- [OAR 456.270 to 456.295](#)
- <https://www.oregon.gov/das/Facilities/Pages/ResServ.aspx>
- <https://www.oregon.gov/odot/row/pages/property-sales.aspx>
- <https://www.oregon.gov/dsl/Land/Pages/SLI.aspx>
- <https://www.sightline.org/2018/10/29/how-cascadian-cities-can-be-smarter-about-their-surplus-land/>
- [RCW 39.33.015](#)
- https://www.oregon.gov/lcd/UP/Documents/202200201_HB%202918_Surplus_Lands_Database_Legislative_Report.pdf
- [Senate Bill 8 \(2019\)](#)

Meeting Summary Notes – 8/9/2023

Attendees: Joel Madsen, Ethan Stuckmayer, Mari Valencia Aguilar

Subject: Public and Surplus Lands

HB 2918 (2019)

- Important to note that ‘Special Districts’ were intentionally carved out of HB 2918 as optional participants. The ‘required’ reporting elements of HB 2918 are applicable to Cities and Counties however there is marginal participation in reporting.
- Some Counties have robust public property departments/staff (i.e. WA County, Columbia County, Clackamas County) and are better positioned to respond to reporting requirements with an appropriate level of detail
- There is an Oregon Public Property Manager’s Association (Christy Bolenger sp?) we should engage in discussion with as SME.
- Section 2 of HB 2918 speaks about alternative process for divestment if used for affordable housing (moderate or low-income). This Section 2 *does not* include right of first option, just the alternative path for divestment for affordable housing. This section also is specific to Cities and doesn’t expand to Counties or other Special Districts.
- There are three key elements missing in HB 2918 (2019): 1.) Clear definition of ‘surplus’ and other terms, 2.) Sideboards (i.e. w/in urban growth boundary, size, zoning, etc) for type of property to track and report and 3.) Clearer process for obtaining consistent and timely reporting.

Other elements discussed connected to our recommendation include:

- Tracking and making available public facing inventory of publicly owned property – **not just surplus property**- within urban growth boundaries. This could pivot reporting requirements from public property owners as it would be an interactive database similar to recommended for State owned lands.
- How are land use entitlements addressed for publicly owned properties that may not be zoned currently for explicit residential development? Look at SB 8 (2019 and future iterations) for pathways toward ‘by right’ affordable housing. May need to expand applicability particularly regarding industrial zoned lands or target population to get Ports and potentially other special districts interested. Also, look at HB 2001 that exempted certain Comp plan updates for zone changes

HB 2001 (2019) used the following language:

(5) When a local government makes a legislative decision to amend its comprehensive plan or land use regulations to allow middle housing in areas zoned for residential use that allow for detached single-family dwellings, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility.

This language preempts the typical local government process for legislative decisions (amendments to zoning code, Comp Plan, etc) that requires the city consider and draft findings to show how the proposed amendment complies with all existing Comp Plan goals, policies, and objectives. Often decisions to

increase residential development in the city experience a (maybe more perceived than real) conflict with existing transportation or economic development goals of the City. This makes it really difficult for the city to thread the needle and adopt findings that satisfy all statewide planning goals simultaneously. This language from HB 2001 (2019) seems to be an example of the Legislature prioritizing the implementation of some goals over the implementation of others.

From: [Joel Madsen](#)
To: [Deb Flagan1](#); [VALENCIA-AGUILAR Mari * DLCD](#)
Subject: Leveraging Publicly Owned Lands - Mtg with Mark Landauer
Date: Monday, August 7, 2023 3:16:17 PM

Deb and Mari,

Please consider the following notes from my meeting with Mark Landauer who represents (as lobbyist) Oregon's special districts and feel free to use as you best see fit.

-Mark provided background and shared his association's interest on the topic of tracking and reporting special district owned property as part of the HB 2918 (2021). They (special district association) didn't support the bill because they 'don't have surplus lands...if they have land it's for advancing their own purposes'. Special districts were ultimately excluded from the reporting requirements in HB 2918.

-There may be a few exceptions to special districts not having surplus lands such as Ports (i.e. Port of Morrow) but Ports hold land for 'Economic Development Purposes' and housing isn't clearly identified in the authorizing statues of Port activity.

-Membership believes they don't have the land that's appropriate for housing development. Substantial portion of lands is presumably outside of urban growth boundary.

-Mark reiterated he'd be happy to assist in facilitating a survey with members of his association on questions this committee may have yet and desires to be kept apprised of this recommendation as it winds its way forward.

-School districts are separate from 'special districts' that Mark lobbies for. Person to speak with at OR School Board Association [according to Mark] is Lori Satterspiel (503.559.6215, lsattenspiel@osba.org).

I think we should follow-up with Lori at the OR School Board Association.

Joel

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AFFORDABLE HOUSING INITIATIVE

August 22, 2023

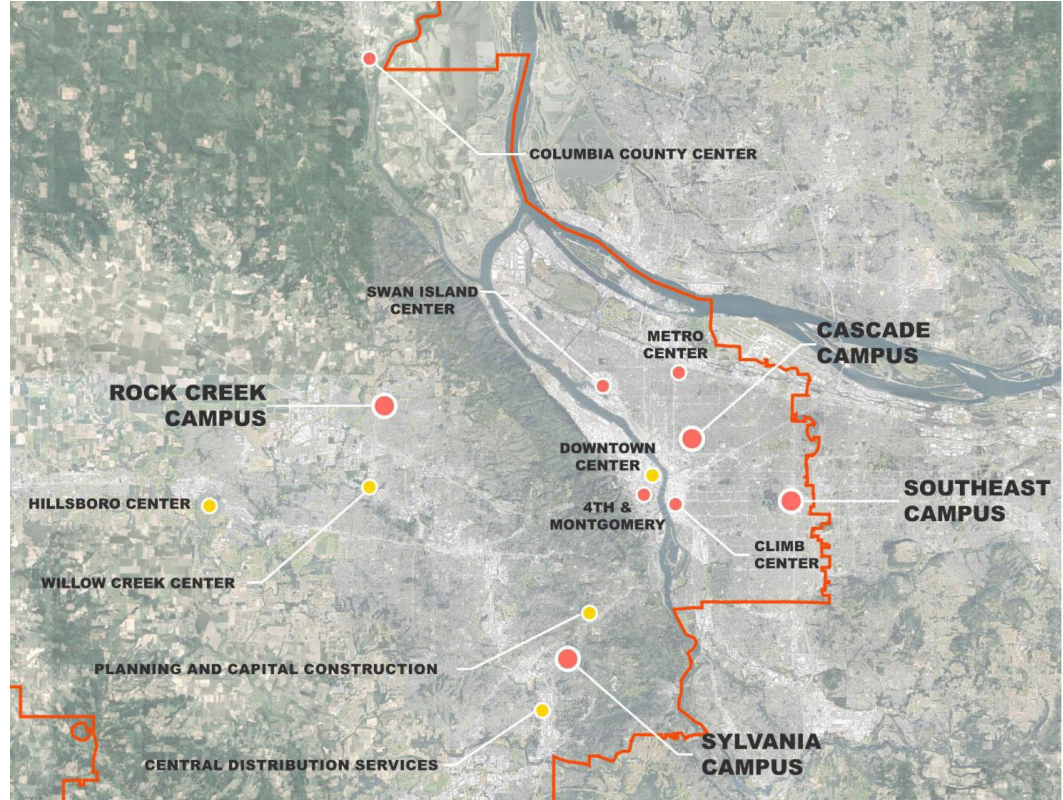


Planning & Capital
Construction



Portland Community College

- Largest higher education institution in Oregon
- About 60,000 full and part-time students
- 4 Campuses and Multiple Centers
- 5 County District



Basic Need Insecurity

A 2021 survey of PCC students found that:

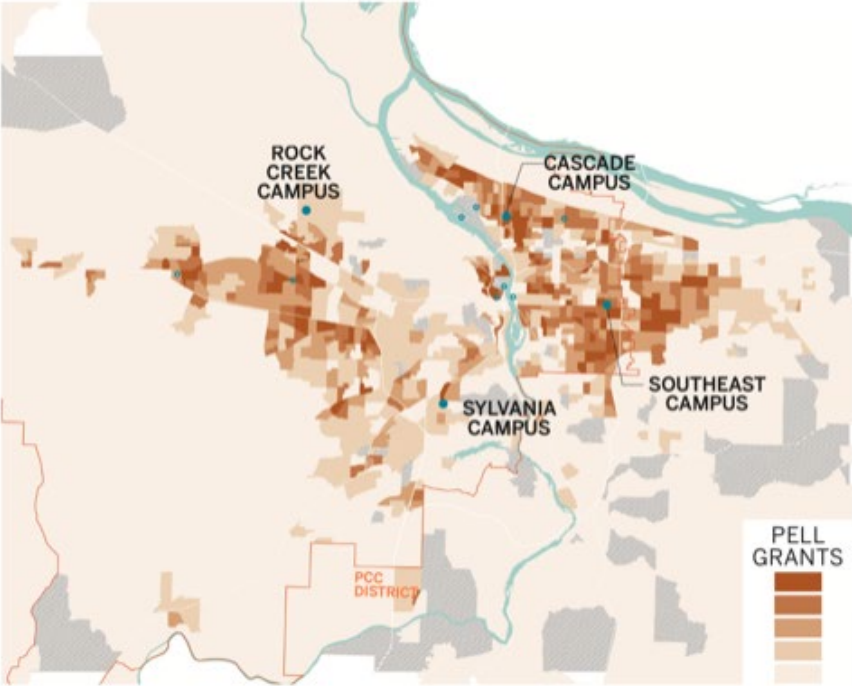
64% experienced some kind of basic needs insecurity

41% experienced food insecurity

56% experienced housing insecurity

19% experienced homelessness

5% self-identified as homeless



Partnerships Are Key

Housing Development

College

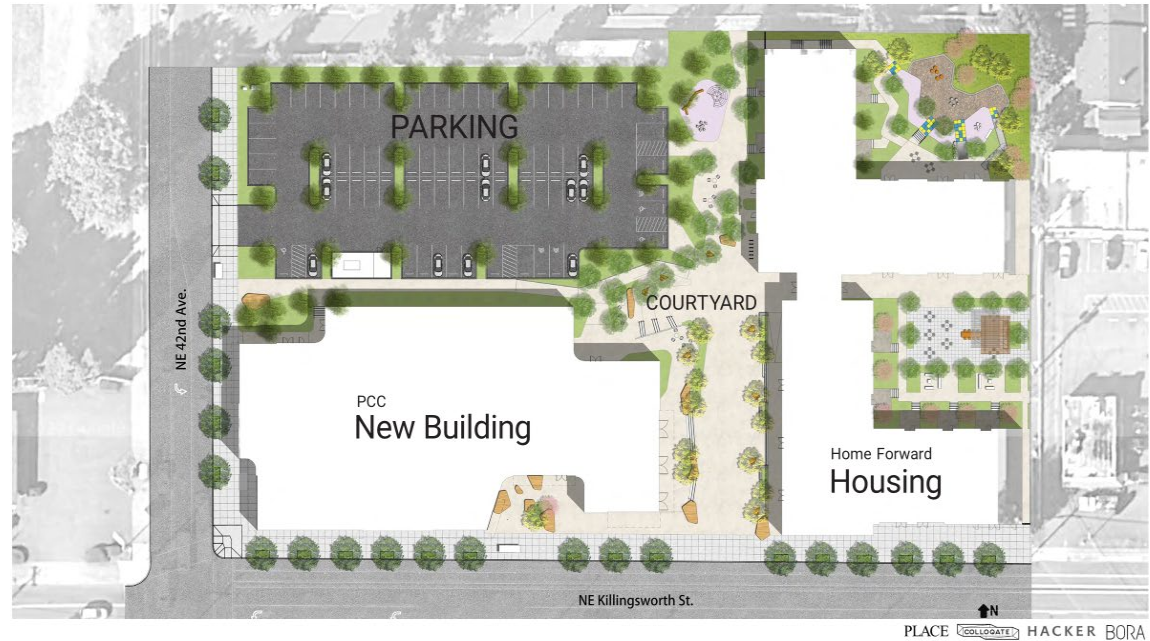
- Retain ownership of land
- Offer a long-term land lease at a nominal rate
- Housing not tied to enrollment status
- Campus impacts to security and maintenance

Partner

- Finances, develops, owns, operates, and manages housing facility, including offering resident services
- Works with PCC to inform students of housing availability

Housing at the Opportunity Center @ 42nd Avenue

- Partnership with Home Forward
- Long-term land lease for more than one acre
- 84 affordable units
- Fully funded
- Construction in 2025
- Building opening in 2026
- Home Forward teamed with NAYA to provide an Early Learning Center and family support services



Housing at Southeast Campus

- Partnership with Our Just Future
- Long-term land lease of 1.6 acres
- Approximately 120 affordable units
- \$11 M in State LIFT funding
- Currently in design

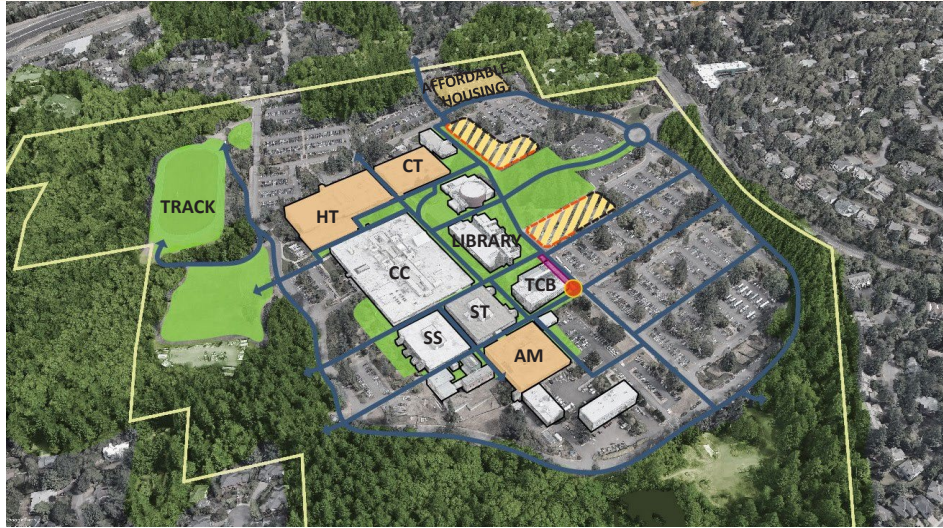


Housing at Rock Creek Campus

- Partnership with Washington County Housing Authority
- Long-term land lease of three acres
- Approximately 120 affordable units
- \$1.2 M in Federal HOME funding



Housing at Sylvania and Cascade Campuses



SYLVANIA

- RFI to be issued
- 2.4 acres
- Approximately 116 affordable units

CASCADE

- RFI to be issued
- 9,000 square feet parcel
- Approximately 50 micro-units



PCC's Facilities Plan

<https://www.pcc.edu/strategic-plan/where/facilities-planning/phase-2/>

THANK YOU



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