



Oregon

Tina Kotek, Governor

HPAC Work Group Recommendation Template

Last Update: June 21, 2023

Work Group

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

Recommendation

As a means to expedite and reduce the cost of design and permitting of housing projects by private and not-for-profit developers, provide a path to obtain early binding decisions necessary for the final application of a housing project.

Allow developers to seek EARLY FEASIBILITY ACCEPTANCE prior to a complete application submittal. To apply, a developer must provide the following:

- 1. Specific list of all EARLY FEASIBILITY ACCEPTANCE requests necessary for determining the viability of a project. Examples might be:**
 - a. Zone change (Type 2)**
 - b. Discretionary reviews**
 - c. Exceptions to public works standards**
 - d. Variances**
 - e. Fire department approvals**
- 2. Explanations of the items listed in 1) to include:**
 - a. Written explanation of why EARLY FEASIBILITY ACCEPTANCE is necessary**
 - b. Site plan (if required)**
 - c. Number of housing units to be built**
 - d. Supporting documents describing in detail each EARLY FEASIBILITY ACCEPTANCE request**

Any EARLY FEASIBILITY ACCEPTANCE is specific to the project under consideration. These decisions are not transferrable to another project with a different design to be built on the same property. If the project does not move forward, any decision (e.g. zone change) will not be applicable to a different design. Such approvals are valid for final applications filed within 18 months. Applicants may request an extension of an Early Feasibility Acceptance.

Cities are permitted to request additional information from the applicant related to 2) above. Approved Feasibility Acceptance is subject to the adherence of the final application to the Early Feasibility Acceptance Application and any applicable code updates.

Related Work Plan Topics

Find opportunities to improve and streamline the permitting process and provide an opportunity for local building departments to share what is working and what isn't in their local jurisdictions through best practices and guidelines.

The current land use and building permit process is too complex, at times not predictable, expensive, and time intensive. In addition, the process varies in every community creating additional challenges. The process needs to be changed to address the barriers to housing production that this creates.

Review state level standards for permit timing, with tracking and reporting on timeliness for various permits and inspections.

Adoption of Recommendation

Consensus by email

Co-chairs Guidance: Standards for Analysis

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

Design assumptions which are incorporated into a housing project application (e.g. a zone change or public works exceptions) are often made very early by design professionals. It can potentially take years to find out whether such design assumptions will be approved by a jurisdiction. This unknown can lead to additional cost and delays as well increase in risk for the developer—a problem which reduces the likelihood of projects being built or even considered.

2. Provide an overview of the housing production issue, including quantitative/qualitative context if available.

The time it takes for housing units to reach the market is a fundamental impediment to production—the group has heard this from numerous SME’s.

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.

Kevin Young, Senior Planner, DLCD
Madeline Phillips, Public Facilities Planner, DLCD
Ryan Marquardt, Transportation and Land Use Planner, DLCD
Amy Pepper, Development Engineering Manager, City of Wilsonville
Michael Liebler, Transportation Planning Engineer, City of Springfield
Sean Edging DLCD

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

We see four primary outcomes from this recommendation:

1. **The recommendation requires an applicant for a housing project to perform early significant and thorough due diligence to understand where the project demands flexibility from the existing local standards.**
2. **This informs local officials of the constraints involved in a proposed project—and where flexibility is necessary in order to move the project forward**
3. **A developer can receive early determinations from local jurisdictions to know whether the project is viable.**
4. **Designs by professionals and review by local officials will be a much more streamlined process**

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	Feasibility	Cost
<input type="checkbox"/> Long-term	<input checked="" type="checkbox"/> High	<input type="checkbox"/> High
<input type="checkbox"/> Medium-term	<input type="checkbox"/> Medium	<input type="checkbox"/> Medium
<input checked="" type="checkbox"/> Short-term	<input type="checkbox"/> Low	<input checked="" type="checkbox"/> Low
<input type="checkbox"/> Immediate		

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

This would require local jurisdictions to create a path for this new type of application.

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

It will be difficult directly to measure the actual effect on reducing the complexity and timeframe for bringing housing units to market. However, the market will be a clear indicator—how often does this path get used.

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

Some local jurisdictions might argue that this is an additional step in the land use process and consequently requires more local resources.

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.