



Bureau of Planning and Sustainability

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MEMO

DATE: May 21, 2015
TO: Planning and Sustainability Commission
FROM: Michelle Kunec-North, Program Coordinator
CC: Susan Anderson, Director; Joe Zehnder, Chief Planner; Eric Engstrom, Principal Planner
SUBJECT: Proposed Draft Policy 8.74 Acquisition of surplus property

This memo provides additional information on the staff recommendation to **delete** Proposed Draft Policy 8.74 Acquisition of surplus properties, which was initially included in the Parks & Recreation policy section of Chapter 8. Public Facilities and Services.

As included in the Proposed Draft:

Policy 8.74 *Acquisition of surplus properties. Evaluate opportunities to acquire and/or develop lands declared surplus by other public agencies, or offered as donation by private owners, if consistent with policies 8.72 and 8.73.*

Testimony

Both the Office of Management and Finance and Portland Parks & Recreation provided testimony requesting the deletion of Policy 8.74. Both also commented that other Proposed Draft policies, including 8.72. Acquisition, development and maintenance; 8.73 Service equity; and 8.75 Capital programming provide policy guidance for Portland Parks & Recreation's land acquisition decisions. In addition, Policy 8.7 Internal coordination, broadly supports inter-bureau coordination around public facility and service provision.

Staff Proposal

Staff acknowledge that the public has a legitimate interest in the disposition of public property. However, staff propose deleting Proposed Draft Policy 8.74 Acquisition of Surplus Properties, for two reasons:

1. **The City is developing an Administrative Rule to govern the surplus property disposition process. The Administrative Rule will apply to all City-owned property.**

The Office of Management and Finance has been working with the City Attorney's Office, Office of Neighborhood Involvement, and the City's property owning bureaus to

develop a new, consolidated Administrative Rule regarding the disposition of surplus real property.

Currently, Oregon Revised Statutes, City Charter provisions, and some bureau and accounting policies govern the sale and disposal of surplus real property. However, Bureaus have agreed that a comprehensive Administrative Rule, applicable to all City Bureaus, would provide consistent guidance to bureaus and a commonly understood process for interested parties.

The proposed Administrative Rule would set requirements for real property deemed “surplus” or “excess” by a bureau, based on service levels, capital improvement plans, and land needs. The Administrative Rule will include:

- Requirements and timelines for offering the real property to other City bureaus for consideration.
- Notification, posting, and public input requirements to alert neighbors and community organizations.
- Procedures for City Council consideration of disposition at a public hearing.
- Requirements for the maintenance of existing public easements, as relevant.

The Office of Neighborhood Involvement (ONI) is just beginning a public review process for this proposed Administrative Rule. The draft rule will be available for public comment on the ONI website, and neighborhood organizations will be notified. City Council is scheduled to consider the proposed Administrative Rule on June 24, 2015.

2. The surplus and sale of public land are more appropriately governed as administrative actions - not as land use decisions.

The surplus and sale of public land is not currently a land use decision. The inclusion of Policy 8.74 could have the inadvertent effect of making such decisions land use decisions, subject to appeal to the Land Use Board of Appeals.

Policies 8.72 and 8.73 provide criteria for how Portland Parks & Recreation evaluates opportunities to acquire and develop parkland and recreational facilities. These criteria are consistent with Bureau policy, the Comprehensive Plan, and state land use requirements. Removing Policy 8.74 makes it clear that PP&R’s future decisions to acquire or not acquire surplus real properties are not subject to land use requirements or potential land use appeals. However, any City decision to dispose of real property as “surplus” would be governed by the proposed Administrative Rule, with associated public notification and testimony opportunities, see above.