



**Department of Land
Conservation and Development
Affordable Housing Work Group**

MINUTES

Meeting 3

July 14, 2008

9:00 AM – 11:30 AM

Agriculture Building (DLCD)

635 Capitol Street NE, Salem

Basement Hearing Room

Work Group Members Present

John VanLandingham, LCDC (Work Group Chair)
Janet Byrd, Neighborhood Partnership Fund
Jon Chandler, Oregon Building Industry Association (by telephone)
Shawn Cleave, Oregon Farm Bureau
Bob Gillespie, Oregon Housing and Community Services
Ann Glaze, Citizen Involvement Advisory Committee
Shaun Jillions, Oregon Association of Realtors
Nick Lelack, City of Redmond
Martha McLennan, Northwest Housing Alternatives
Larry Medinger, Oregon Housing Council (by telephone)
Don Miner, Oregon Manufactured Housing Association
Greg Mott, City of Springfield
Don Schellenberg, Oregon Farm Bureau
Gregory Winterowd, Winterbrook Planning

DLCD Staff Present

Gloria Gardiner, Urban Planning Specialist
Bryan González, Rules, Records and Policy Coordinator

Interested Persons Present

Debbie Aiona, League of Women Voters
John Fletcher, Oregon Housing and Community Services
Linda Ludwig, League of Oregon Cities

Meeting Materials

[Agenda](#)

[Goal 10 \(Housing\)](#)

[ORS 197.299](#)

[ORS 197.303 to 197.309](#)

[ORS 456.270 to 456.355](#)
[OAR 660, Division 7 \(Metropolitan Housing\)](#)
[OAR 660, Division 8 \(Interpretation of Goal 10 Housing\)](#)
[Metro Functional Plan 3.07.710 to 3.07.750](#)

Agenda Item 1 – Opening Remarks from the Chair

Chair VanLandingham convened the meeting at 9:10 a.m. and welcomed the work group. Members introduced themselves.

Agenda Item 3 – Goal 10, Metropolitan Housing Rule, and Title 7 of Metro Urban Growth Management Functional Plan

Gloria Gardiner went over the handouts, which were copies of Statewide Planning Goal 10: Housing, the needed housing statutes in ORS Chapter 197, affordable housing covenant statutes in ORS Chapter 456, OAR 660, Division 7 and 8, and Metro’s Title 7: Housing Choice.

Winterowd: “Encourage” in Goal 10 is broad – can be done by zoning sufficient land. Rules have not made this goal “tighter”. “Buildable land” definition – “suitable, available and necessary” is not defined. We should redefine. Goal 10 intent was to prevent exclusionary zoning. 1978 LCDC St Helens policy. re: definition of “encourage” was incorporated into statute.

Miner: Per ORS 197.314, mobile homes are allowed on all lots where Single Family Residential is allowed. ORS 197.303(2) was not amended at the same time. Goal 10 lost importance in late 1980’s when interest groups stopped pushing it. Homebuilders concerned with the “competitive edge” manufactured housing had over stick built.

Chandler: Concern about compatibility of manufactured homes was addressed with a statutory list of permitted design standards. Portland E-zone case – would not be subject to “needed housing” rule – would be “bonus units.”

Winterowd: If land is not in a “buildable” category but development is allowed on it, it is not part of the “needed” supply (e.g., floodplains or wetlands).

Chandler: ORS 197.307(3)(b) was a response to multifamily ordinances (e.g., Beaverton) with vague, subjective criteria for approval.

Winterowd: *1000 Friends v Lake Oswego* case re: ORS 197.303(6) defined what standards were clear and objective and which were not. Many local governments require expensive clear and objective standards; to afford them, developers choose to go through the PUD process to build more affordable housing.

VanLandingham: Cities are responding to an infill backlash by adopting increased design standards (e.g., Eugene).

Mott: Neighborhood compatibility is a common viewpoint.

Lelack: Central Oregon developers argue for higher density; realtors say no; Planning Commission has been going with realtors so far.

Winterowd: Metro rule for 50/50 mix was a response to Happy Valley's zoning for ½ acre lots, which also did not allow manufactured homes. LCDC wanted clear and objective standards to provide the opportunity for local governments to achieve Goal 10 compliance. A deal was made with Portland to "bust the suburbs." Many local governments allow 50/50, but it's not being built. Builders are using the discretionary track to avoid it.

VanLandingham: One proposal from this work group has been to make Division 7 more effective or expand it statewide. Division 7 deals with availability, but not affordability.

Winterowd: Division 7 was intended to ensure equity in the region, but not affordability

Chandler: UGB workgroup last year found extension to the entire state controversial.

Gardiner: Referred to *DCLD v. McMinnville* case regarding reference to consistency with Goal 14.

Winterowd: Thinks this case could mean cities must keep a 20-year supply at all times.

Lelack: The process does take a long time and doesn't end with UGB expansion; also requires plans, annexation, development review, etc.

Winterowd: UGB process costs time plus cost for housing

Miner: 20-year supply requirement was supposed to reduce housing prices, but hasn't worked that way.

Winterowd: TGM policies militate against affordable housing, e.g., by limiting residential uses to above commercial uses in downtowns. Not possible to estimate how much residential will be built downtown. Not possible to assume that the permitted residential will actually be built, which some cities have done. In ORS 197.299(2), "Accommodate" is intentionally vague.

McLennan: Metro Title 7 – Metro didn't want to do enforcement – it was a tool kit of voluntary ideas.

VanLandingham: Metro felt amendment of Title 7 was no big deal because this rule wasn't working.

McLennan: Metro could have made compliance a condition of receiving funds; Metro would "be an educator with a funding stick". It is too easy in Metro area for workers to commute from elsewhere in the region; not true in rest of the state.

VanLandingham: Land use program focus is to designate land. Nothing requires providing affordable housing itself.

Chandler: Show me that incentives don't work before allowing inclusionary zoning as mandatory.

Agenda Item 4 – Discussion and Narrowing of Pilot Project Options

VanLandingham: Introduced "Rindy #1" concept for pilot program.

Lelack: Make sure that land brought into UGB is in a designated URA so that location analysis has been done with statutory priorities.

Byrd: Suggested criteria for the group's selection of pilot program concept:

1. Impact on affordability (would it work?)
2. Can be replicated in small and large cities, urban and rural areas.
3. Maximize consensus of the group.

Fletcher: Must be constitutional/legal.

Gillespie: Define "affordability" and housing types.

Medinger: Define as the working population, not just low income – there is a wide range of needs.

Lelack: Public vs private.

Agenda Item 5 – Next Meeting Agenda

The work group asked staff to provide information on the urban reserve process. The work group further proposed to review Bill Kloos's Goal 10 article and the Furman's Center Housing Policy Brief.

Agenda Item 6 – Next Meeting Date

The work group agreed to the following meeting dates and times:

Monday, August 18	9:00–11:30 a.m.
Monday, September 15	9:00–11:30 a.m.
Monday, October 27	9:00–11:30 a.m.

Chair VanLandingham adjourned the meeting at 11:30 a.m.

Public Comment

None

Member Tasks (not necessarily due at next meeting)

Gloria Gardiner

- Provide list of cities with Urban Reserve Areas