

14. Goal 10 – Housing/ Goal 10 Rule. It may be that a city’s buildable lands inventory (BLI) can be written and structured so that it can be updated without incorporating the update into the city’s comprehensive plan. However, where a city’s BLI is not the type of BLI that might be updated and relied upon without incorporating the updated BLI into the comprehensive plan, a city decision relying on that BLI update to enlarge the city’s urban growth boundary, without first adopting the updated BLI as part of the city’s comprehensive plan, is error. *Lengkeek v. City of Tangent*, 54 Or LUBA 160 (2007).

14. Goal 10 – Housing/ Goal 10 Rule. The obligation to adopt findings under OAR 660-007-0060(2), part of the Metropolitan Housing Rule, is triggered only by plan and land use regulation amendments that are either intended to comply with the construction and density mix standards in the rule or that impact local government provisions complying with those standards. *J.T. Smith Companies v. City of West Linn*, 54 Or LUBA 339 (2007).

14. Goal 10 – Housing/ Goal 10 Rule. A legislative decision that establishes a floor area ratio (FAR) standard for residential housing does not trigger application of the construction and density mix standards in OAR chapter 660, division 007, where the petitioner fails to demonstrate that the FAR standard affects the city’s obligation to provide for an overall density of eight or more dwelling units per acre. *J.T. Smith Companies v. City of West Linn*, 54 Or LUBA 339 (2007).

14. Goal 10 – Housing/ Goal 10 Rule. Absent a focused challenge from petitioners, staff reports analyzing proposed floor area ratio (FAR) standards for residential development and concluding that the FAR standards would have no impact on future residential construction and development are sufficient to demonstrate that the FAR standards are consistent with Goal 10. *J.T. Smith Companies v. City of West Linn*, 54 Or LUBA 339 (2007).

14. Goal 10 – Housing/ Goal 10 Rule. A city properly relies on its established buildable lands inventory (BLI) to determine that a comprehensive plan amendment will not violate Goal 10 (Housing), even if the findings reference a more recent BLI that is not adopted in the comprehensive plan, where the reference is merely to explain that the city is not relying on the more recent BLI. *Columbia Empire Farms, Inc. v. City of Dundee*, 53 Or LUBA 39 (2006).

14. Goal 10 – Housing/ Goal 10 Rule. When a city has a 170-acre “reserve” that is zoned residential, but is not included in the city’s buildable lands inventory as future residential land, the city does not violate Goal 10 (Housing) by adopting a comprehensive plan change that devotes approximately 17 acres of the 170-acre “reserve” to non-residential transportation uses. *Columbia Empire Farms, Inc. v. City of Dundee*, 53 Or LUBA 39 (2006).

14. Goal 10 – Housing/ Goal 10 Rule. Where there is uncertainty about when a proposed bypass will be approved, funded, or constructed, a city is not required to consider the indirect impacts of the bypass, such as increased housing demand due to

shorter commute times to a regional center, on the city's residential lands inventory. *Columbia Empire Farms, Inc. v. City of Dundee*, 53 Or LUBA 39 (2006).

14. Goal 10 - Housing/ Goal 10 Rule. ORS 215.416(8)(a) simply requires that permit approval standards be included in a county's land use regulations. The ORS 215.416(8)(b) requirement that permit standards that apply to needed housing be "clear and objective" does not apply to permits for other kinds of development. *Clark v. Coos County*, 53 Or LUBA 325 (2007).

14. Goal 10 – Housing/ Goal 10 Rule. Extrapolation of a local government's buildable lands inventory based on assumptions not contained in the comprehensive plan is not compatible with the Goal 2 requirement that decisions be based on the comprehensive plan. *Lengkeek v. City of Tangent*, 52 Or LUBA 509 (2006).

14. Goal 10 – Housing/ Goal 10 Rule. A local government may rely on population projections contained in the transportation system plan portion of the comprehensive plan in amending its urban growth boundary. *Lengkeek v. City of Tangent*, 52 Or LUBA 509 (2006).

14. Goal 10 – Housing/ Goal 10 Rule. Particular housing types are "needed housing" for purposes of ORS 197.303 through 197.307 if the local comprehensive plan identifies a need for that housing type at particular price ranges and rent levels. *Concerned Homeowners v. City of Creswell*, 52 Or LUBA 620 (2006).

14. Goal 10 - Housing/ Goal 10 Rule. Where a city's UGB includes a surplus of 185 acres of land that is available for annexation and rezoning for residential use to meet the city's needs during its planning period, the city's decision to rezone less than one acre of residentially zoned land in the city for commercial use does not violate Goal 10. *Jaffer v. City of Monmouth*, 51 Or LUBA 633 (2006).

14. Goal 10 - Housing/ Goal 10 Rule. The lands that a city is relying on to meet its needs for residentially planned and zoned land for the planning period must be included inside the city's urban growth boundary. However, all of the land that the city is relying on to meet its need for residentially planned and zoned land is not required to be located within the city limits at the beginning of the planning period. *Jaffer v. City of Monmouth*, 51 Or LUBA 633 (2006).

14. Goal 10 – Housing/ Goal 10 Rule. The city's conclusion that there is a demonstrated need to add 90 acres of residential land to the city's residential buildable lands inventory, based on information submitted by the applicant that uses a planning period to the year 2020, is not inconsistent for purposes of Goal 2 (Land Use Planning) with the buildable lands inventory in the acknowledged comprehensive plan that relies on a planning period that ends in 2004 or 2005. *Lengkeek v. City of Tangent*, 50 Or LUBA 367 (2005).

14. Goal 10 – Housing/ Goal 10 Rule. Goal 10 (Housing) requires local governments to inventory available residential buildable lands, and Goal 2 (Land Use Planning) requires

those inventories to be part of the comprehensive plan. Where the residential buildable lands inventory in the comprehensive plan is not useable, and an applicant presents evidence regarding the current inventory of buildable lands, Goal 1 (Citizen Involvement), Goal 2 and Goal 10 require that the comprehensive plan be amended to incorporate that inventory. *Lengkeek v. City of Tangent*, 50 Or LUBA 367 (2005).

14. Goal 10 – Housing/ Goal 10 Rule. Goal 10 (Housing), Goal 2 (Land Use Planning) and Goal 1 (Citizen Involvement) require that a population projection that forms the basis of a city’s residential lands needs analysis be incorporated into the comprehensive plan. *Lengkeek v. City of Tangent*, 50 Or LUBA 367 (2005).

14. Goal 10 - Housing/ Goal 10 Rule. Goal 10 requires that local governments make assumptions about the types and density of housing it expects over its planning period. Once those assumptions are adopted as part of the comprehensive plan, subsequent amendments to the comprehensive plan and land use regulations must ensure that the amendments do not render the assumptions invalid. *4-J Land Co., LLC v. City of Sandy*, 50 Or LUBA 525 (2005).

14. Goal 10 - Housing/ Goal 10 Rule. It is not sufficient under Goal 10 to demonstrate that it remains theoretically possible to achieve anticipated development densities notwithstanding amendments to residential zoning standards. To be consistent with Goal 10, the local government must show that the amendments will not alter the types or densities of development that its acknowledged planning documents anticipate will actually occur during the planning period. *4-J Land Co., LLC v. City of Sandy*, 50 Or LUBA 525 (2005).

14. Goal 10 - Housing/ Goal 10 Rule. Where a city has adopted a buildable lands inventory and a housing needs analysis to comply with Goal 10’s requirement for a housing needs projection, even though the city may not have been required to adopt the inventory and analysis under ORS 197.296, when the city subsequently amends its comprehensive plan and land use regulations it must ensure that those amendments do not render the assumptions in the inventory and analysis invalid. *4-J Land Co., LLC v. City of Sandy*, 50 Or LUBA 525 (2005).

14. Goal 10 - Housing/ Goal 10 Rule. A petitioner’s challenge that a city may not rely on housing that is subject to conditional use and planned development standards that are not clear and objective to meet its needed housing goals will be rejected, where those standards are not a product of the comprehensive plan or land use regulation on appeal. *4-J Land Co., LLC v. City of Sandy*, 50 Or LUBA 525 (2005).

14. Goal 10 – Housing/ Goal 10 Rule. Secondary effects from transportation projects such as noise or visual impacts do not render nearby residential lands “unavailable” or “unsuitable” for residential development, thereby taking them out of the definition of “buildable land.” *1000 Friends of Oregon v. City of Dundee*, 49 Or LUBA 601 (2005).

14. Goal 10 – Housing/ Goal 10 Rule. A city may rely on a recent buildable lands inventory (BLI) that is a completed final document in demonstrating that a proposed transportation project will not result in a deficiency of buildable land under Goal 10 (Housing), even if that BLI has not yet been incorporated into the comprehensive plan. *1000 Friends of Oregon v. City of Dundee*, 49 Or LUBA 601 (2005).

14. Goal 10 – Housing/ Goal 10 Rule. When a city’s population passes 2,500, more types of needed housing must be addressed, but the city does not have to amend its housing inventory before it can adopt any land use decision that will affect housing. *1000 Friends of Oregon v. City of Dundee*, 49 Or LUBA 601 (2005).

14. Goal 10 – Housing/ Goal 10 Rule. Coordination requirements regarding a planned transportation corridor are not “approval standards” within the meaning of ORS 197.307(6), and therefore are not required to be “clear and objective.” *1000 Friends of Oregon v. City of Newberg*, 49 Or LUBA 626 (2005).

14. Goal 10 – Housing/ Goal 10 Rule. The city need not address Goal 10 impacts from a relocated transportation corridor when the impacts on the supply of buildable land from the relocated corridor will be less than impacts from the original corridor. Any challenge is an impermissible collateral attack on the earlier decision. *1000 Friends of Oregon v. City of Newberg*, 49 Or LUBA 626 (2005).

14. Goal 10 - Housing/ Goal 10 Rule. A local code standard that prohibits development in wetlands does not violate the ORS 197.307(6) requirement for “clear and objective” approval standards for needed housing. Where an applicant seeks a variance to that local code prohibition against development in wetlands, ORS 197.307(6) does not prohibit application of subjective variance approval standards. *Linstromberg v. City of Veneta*, 47 Or LUBA 99 (2004).

14. Goal 10 - Housing/ Goal 10 Rule. A city finding that plan amendments that authorize residential and nonresidential development in a floodplain does not offend Goal 7 because residential development is already allowed in the floodplain under the acknowledged comprehensive plan is sufficient to demonstrate that the plan amendment does not violate Goal 7. That the development authorized in the acknowledged comprehensive plan is residential development and the city does not consider land in a floodplain for purposes of meeting its housing obligations under Goal 10 does not mean that the land could not be developed residentially under the acknowledged comprehensive plan. *Jaqua v. City of Springfield*, 46 Or LUBA 134 (2004).

14. Goal 10 - Housing/ Goal 10 Rule. A city may rely on the residential buildable lands inventory in its acknowledged comprehensive plan and need not update that inventory when adopting a post-acknowledgment plan amendment. Where that inventory shows a surplus of residential buildable lands both before and after a plan amendment that designates some of those lands to allow other uses, the city may rely on that remaining surplus to find the plan amendment is consistent with Goal 10 housing planning requirements. *Jaqua v. City of Springfield*, 46 Or LUBA 134 (2004).

14. Goal 10 - Housing/ Goal 10 Rule. A city decision that results in the potential for development of more high-density housing than is identified as needed in the acknowledged comprehensive plan does not offend Goal 10. *Jaqua v. City of Springfield*, 46 Or LUBA 134 (2004).

14. Goal 10 – Housing/ Goal 10 Rule. Neither Goal 10 nor Goal 14 require a finding of “demonstrated need” for additional residential land within the meaning of Goal 2, Part II or Goal 14, factors 1 and 2 before the city may amend its comprehensive plan map to allow property to be zoned for residential rather than industrial uses. *Holcombe v. City of Florence*, 45 Or LUBA 59 (2003).

14. Goal 10 – Housing/ Goal 10 Rule. Although market demand for rural residential housing is not sufficient to establish “need” for such housing for purposes of taking an exception to statewide planning goals governing rural resource lands, there is no reason why market demand cannot suffice to establish “need” for rural residential housing for purposes of a local rezoning standard, nor any reason why such need must be evaluated against the county’s Goal 10 inventory. *Friends of Yamhill County v. Yamhill County*, 43 Or LUBA 97 (2002).

14. Goal 10 – Housing/ Goal 10 Rule. Given that ORS 197.299 requires Metro to review the supply of residential land within the Metro UGB at least every five years, Metro is not obligated to provide a quasi-judicial UGB amendment process, in addition to a legislative process, to ensure that the Metro UGB as a whole maintains an adequate supply of residential land. *Homebuilders Assoc. v. Metro*, 42 Or LUBA 176.

14. Goal 10 – Housing/ Goal 10 Rule. While the courts have held that Metro can consider housing need on a subregional basis, at least in some circumstances, no legislation compels Metro to do so, or prohibits Metro from relying exclusively on legislative reviews of the entire regional UGB to ensure compliance with Goals 10 and 14. *Homebuilders Assoc. v. Metro*, 42 Or LUBA 176.

14. Goal 10 – Housing/ Goal 10 Rule. The speculative possibility that a subregional housing shortage will arise in the interim between the five-year UGB reviews required by ORS 197.299, and that Metro will decline to initiate a legislative proceeding to address that interim shortage, is an insufficient basis to establish that a quasi-judicial UGB amendment process is essential to ensure continued compliance with Goals 10 and 14. *Homebuilders Assoc. v. Metro*, 42 Or LUBA 176.

14. Goal 10 – Housing/ Goal 10 Rule. Even assuming that the ORS 197.307(6) prohibition against procedures that “discourage needed housing through unreasonable cost or delay” applies to Metro, which does not process applications for development of needed housing, petitioner’s speculation that Metro will delay initiating a legislative UGB amendment for housing needs is insufficient to establish that Metro’s failure to also provide for a quasi-judicial UGB amendment process for housing need will result in “unreasonable delay.” *Homebuilders Assoc. v. Metro*, 42 Or LUBA 176.

14. Goal 10 – Housing/ Goal 10 Rule. Land use regulation purpose or applicability provisions that by their terms or the terms of other related code provisions do not apply as approval criteria for needed housing are not “standards” that must, pursuant to ORS 197.307(6), be clear and objective. *Home Builders Assoc. v. City of Eugene*, 41 Or LUBA 370 (2002).

14. Goal 10 – Housing/ Goal 10 Rule. Where a city adopts a comprehensive update to its zoning code in an effort to comply with the ORS 197.307(6) requirement that standards applied to needed housing statutes be “clear and objective,” and in so doing carries forward preexisting standards that are not clear and objective, such standards are subject to review under ORS 197.307(6), and such review does not constitute an impermissible collateral attack on those standards. *Home Builders Assoc. v. City of Eugene*, 41 Or LUBA 370 (2002).

14. Goal 10 – Housing/ Goal 10 Rule. A code amendment that grants discretionary authority for city staff to impose conditions on approval of needed housing may constitute or contain “standards” or “procedures for approval” that must, under ORS 197.307(6), be clear and objective. Such standards are subject to review in an appeal of the city’s legislative decision adopting the amendment. *Home Builders Assoc. v. City of Eugene*, 41 Or LUBA 370 (2002).

14. Goal 10 – Housing/ Goal 10 Rule. Even numerical standards such as setbacks and height limitations may not be clear and objective, if the reference point from which the setback or limitation is measured is stated in undefined descriptive terms. Absent reasonable means of locating the reference point, a needed housing standard requiring a 100-foot setback from any “rare animal population” is not clear and objective. *Home Builders Assoc. v. City of Eugene*, 41 Or LUBA 370 (2002).

14. Goal 10 – Housing/ Goal 10 Rule. A needed housing standard requiring that new dwellings be within a 4-minute response time for emergency medical services is not clear and objective, where the city did not adopt a map or otherwise provide a clear and objective way to determine whether proposed needed housing is located in an area meeting the standard. *Home Builders Assoc. v. City of Eugene*, 41 Or LUBA 370 (2002).

14. Goal 10 – Housing/ Goal 10 Rule. The needed housing statute at ORS 197.307 is not concerned with the timing of development, nor does it require that all areas of the city be immediately available for development of needed housing under clear and objective standards. The statute is not offended by a standard that effectively requires needed housing developers to apply under discretionary standards designed to address public safety concerns until emergency services are extended to currently unserved portions of the city. *Home Builders Assoc. v. City of Eugene*, 41 Or LUBA 370 (2002).

14. Goal 10 – Housing/ Goal 10 Rule. Imposing a clear and objective standard that is impossible or virtually impossible to satisfy is a prohibition in the guise of a standard, and offends ORS 197.307 if the standard effectively forces the needed housing applicant to seek approval for needed housing under an alternative set of discretionary approval criteria. *Home Builders Assoc. v. City of Eugene*, 41 Or LUBA 370 (2002).

14. Goal 10 – Housing/ Goal 10 Rule. The needed housing statute at ORS 197.307 does not require a conflict mechanism for resolving potential conflicts between clear and objective criteria. *Home Builders Assoc. v. City of Eugene*, 41 Or LUBA 370 (2002).

14. Goal 10 – Housing/ Goal 10 Rule. Although ORS 197.307(6) prohibits standards or procedures that alone or cumulatively discourage needed housing through unreasonable cost or delay, it will be difficult to establish in an appeal of a legislative decision adopting standards or procedures that they cause *unreasonable* cost or delay and have the effect of discouraging needed housing. In most cases, such challenges can only be brought and meaningfully reviewed in the context of an “as-applied” challenge to a quasi-judicial decision. *Home Builders Assoc. v. City of Eugene*, 41 Or LUBA 370 (2002).

14. Goal 10 – Housing/ Goal 10 Rule. Any cost or delay attributable to a standard or procedure that is unreasonable as a matter of law, *i.e.* lacks a rational basis, violates the statutory prohibition on standards or procedures that discourage needed housing through unreasonable cost or delay. An informational requirement that needed housing applicants prepare a geotechnical study lacks a rational basis, where the required geotechnical study functions only to supply the city with potentially expensive information that has no bearing on any approval standard. *Home Builders Assoc. v. City of Eugene*, 41 Or LUBA 370 (2002).

14. Goal 10 – Housing/ Goal 10 Rule. Where petitioners make a facially plausible showing that new tree protection and water resource regulations are likely to reduce the development potential for residential, commercial and industrial lands, the city has an obligation to demonstrate that despite any such reductions in development potential the city’s inventories continue to comply with Goals 9 and 10. *Home Builders Assoc. v. City of Eugene*, 41 Or LUBA 370 (2002).

14. Goal 10 – Housing/ Goal 10 Rule. Goals 9 and 10 do not prohibit increases in regulatory burdens or require local governments to refrain from imposing any particular level of regulatory burden. Therefore, incorporation of comprehensive plan policies into the zoning code pursuant to ORS 197.195, in order to apply those policies as approval criteria to limited land use decisions, does not violate Goals 9 and 10 even if application of such policies as approval criteria would impose additional regulatory burdens on development of Goal 9 and 10 lands. *Home Builders Assoc. v. City of Eugene*, 41 Or LUBA 370 (2002).

14. Goal 10 – Housing/ Goal 10 Rule. The Goal 10 coordination requirement at OAR 660-008-0030(1) that local governments coordinate with other governments in the region “in arriving at a fair allocation of housing types and densities” applies only if a local government ordinance affects the allocation of housing types and densities. Not all local government programs with arguable impacts on housing or Goal 10 will trigger the OAR 660-008-0030(1) coordination requirement. *Home Builders Assoc. v. City of Eugene*, 41 Or LUBA 370 (2002).

14. Goal 10 – Housing/ Goal 10 Rule. The housing needs projection required by the Goal 10 rule is the same housing needs analysis that is required by ORS 197.296(3) for

conducting a review of an urban growth boundary. Because the Goal 10 rule requires that the housing needs projection must be “consistent with Goal 14 requirements,” the housing needs analysis under ORS 197.296(3) must be consistent with Goal 14 requirements. *DLCD v. City of McMinnville*, 41 Or LUBA 210 (2001).

14. Goal 10 – Housing/ Goal 10 Rule. LCDC’s choice to adopt rules that require the housing needs analysis required by ORS 197.296(3) to be “consistent with Goal 14 requirements” is essentially a choice to require that, where the analysis identifies a significant deficit in the supply of buildable land within the UGB, the city must complete the statutory process at ORS 197.296(4) through (7) and adopt one or more of the actions described in the statute to remedy the identified deficit. Because the statute and rule prescribe an iterative process highly integrated with Goal 14, the city cannot achieve finality with respect to the housing needs analysis under ORS 197.296(3) without also taking action under ORS 197.296(4) through (7). *DLCD v. City of McMinnville*, 41 Or LUBA 210 (2001).

14. Goal 10 – Housing/ Goal 10 Rule. Although rezoning a 1.94-acre parcel from residential to commercial may not violate Goal 10, a local government errs in finding that Goal 10 is irrelevant to the rezoning request. *Swyter v. Clackamas County*, 40 Or LUBA 166 (2001).

14. Goal 10 – Housing/ Goal 10 Rule. Goal 10 concerns needed housing, and nothing in the Goal 10 rules requires a local government to provide housing for a “recreational golf course lifestyle” absent support for such housing in the local comprehensive plan or Goal 10 inventory. *DLCD v. Umatilla County*, 39 Or LUBA 715 (2001).

14. Goal 10 – Housing/ Goal 10 Rule. A local government must rely on the housing inventory contained in its acknowledged comprehensive plan to determine whether rezoning property from multi-family residential to commercial use will cause the local government’s housing inventory to violate Goal 10. *Craig Realty Group v. City of Woodburn*, 39 Or LUBA 384 (2001).

14. Goal 10 – Housing/ Goal 10 Rule. A local government’s determination that there is sufficient land designated multi-family residential to satisfy Goal 10 is supported by substantial evidence when the acknowledged Goal 10 housing inventory establishes that the city has a 238-acre surplus of land designated for multi-family development, and the proposal is to rezone only eight acres from multi-family residential to commercial. *Craig Realty Group v. City of Woodburn*, 39 Or LUBA 384 (2001).

14. Goal 10 – Housing/ Goal 10 Rule. The requirement under ORS 197.307(6) for clear and objective approval standards applies to “needed housing,” as that concept is defined by statute and administrative rule. An argument that new land use regulations are not clear and objective provides no basis for reversal or remand, where petitioner fails to demonstrate that the new land use regulations apply to “needed housing.” *Rest-Haven Memorial Park v. City of Eugene*, 39 Or LUBA 282 (2001).

14. Goal 10 – Housing/ Goal 10 Rule. Pursuant to ORS 197.480(5), a local government can apply clear and objective criteria for the placement and design of manufactured home parks. A local provision requiring that each home in manufactured home parks be within 500 feet of a fire hydrant capable of providing a defined minimum flow is a clear and objective criterion. *Doob v. Josephine County*, 39 Or LUBA 276 (2001).

14. Goal 10 – Housing/ Goal 10 Rule. That a local government has neither conducted the inventory and needs analysis required by ORS 197.480 nor made a determination of needed housing with respect to manufactured home parks does not prohibit the local government from approving a manufactured home park, or waive the local government’s obligation to comply with ORS 197.480. *Doob v. Josephine County*, 39 Or LUBA 276 (2001).

14. Goal 10 – Housing/ Goal 10 Rule. Goal 10 does not prohibit including more land that is planned and zoned for multi-family development than is identified as needed in the comprehensive plan. *Hubenthal v. City of Woodburn*, 39 Or LUBA 20 (2000).

14. Goal 10 – Housing/ Goal 10 Rule. Criteria governing an application to rezone property to allow for the siting of a mobile home park need not comply with requirements in ORS 197.307 and 197.480 for “clear and objective” standards regulating the siting of needed mobile homes when a city has otherwise planned and designated sufficient land to satisfy the need for mobile home parks within its jurisdiction. *Evergreen Development, Inc. v. City of Coos Bay*, 38 Or LUBA 470 (2000).

14. Goal 10 – Housing/ Goal 10 Rule. A city is not required to permit the siting of mobile home or manufactured dwelling parks in all zones that permit residential densities of 6-12 units per acre. ORS 197.480(1) merely requires that areas designated for those residential densities contain enough land to accommodate the city’s identified need for mobile home or manufactured dwelling parks. The accommodation may be achieved by allowing the parks only in one such zone. *Evergreen Development, Inc. v. City of Coos Bay*, 38 Or LUBA 470 (2000).

14. Goal 10 – Housing/ Goal 10 Rule. ORS 197.307(6) does not prohibit a city from requiring an applicant for a zone change to demonstrate a need for that change where the city establishes that it has already designated sufficient land to accommodate its need for mobile home parks. *Evergreen Development, Inc. v. City of Coos Bay*, 38 Or LUBA 470 (2000).

14. Goal 10 – Housing/ Goal 10 Rule. Unless a local government’s findings establish a relationship between a housing study in the record and its acknowledged Goal 10 inventory, a local government may not rely on that study to support a finding that the loss of 41 acres of intermediate density housing is consistent with its acknowledged Goal 10 inventory. *DLCD v. City of Warrenton*, 37 Or LUBA 933 (2000).

14. Goal 10 – Housing/ Goal 10 Rule. Goal 10 and OAR chapter 660, division 8 include a requirement that a local government ensure that amendments to its acknowledged land use regulations do not “discourage needed housing through unreasonable cost or delay.”

However, Goal 10 does not require that *all* house plans be held harmless from increased costs. *Homebuilders Association v. City of Portland*, 37 Or LUBA 707 (2000).

14. Goal 10 – Housing/ Goal 10 Rule. Goal 10 and OAR 660-008-0015 are not violated where the record demonstrates that increased housing costs that may be attributable to an amended land use regulation can be avoided or minimized and that there are many existing house plans to comply with the amended land use regulation. *Homebuilders Association v. City of Portland*, 37 Or LUBA 707 (2000).

14. Goal 10 – Housing/ Goal 10 Rule. The requirement under Goal 10 that land use regulations allow flexibility of housing “types” does not necessarily extend to protect particular housing design features. Where petitioner does not demonstrate that amended land use regulations so heavily regulate the permissible “design” of dwellings that the Goal 10 requirement for flexibility of housing “types” is violated, LUBA will reject the challenge. *Homebuilders Association v. City of Portland*, 37 Or LUBA 707 (2000).

14. Goal 10 – Housing/ Goal 10 Rule. A petitioner’s arguments that amended land use regulations violate a comprehensive plan policy by increasing housing costs and discouraging infill development provide no basis for remand, where the plan policy encourages both infill and preserving neighborhood livability and the city’s findings explain that the regulations are needed to ensure that infill housing development can be accommodated in neighborhoods without eroding livability. *Homebuilders Association v. City of Portland*, 37 Or LUBA 707 (2000).

14. Goal 10 – Housing/ Goal 10 Rule. A plan goal requiring preservation of neighborhood diversity does not require diversity of housing designs where, in context, the word “diversity” is properly interpreted to refer to “age, income, race and ethnic background” of the people in the neighborhood rather than housing designs. *Homebuilders Association v. City of Portland*, 37 Or LUBA 707 (2000).

14. Goal 10 – Housing/ Goal 10 Rule. A comprehensive plan amendment that increases the required right of way for major arterials from 80 feet to 100 feet may reduce the supply of buildable land and commercial sites and thus requires findings that address Statewide Planning Goals 9 and 10. *Volny v. City of Bend*, 37 Or LUBA 493 (2000).

14. Goal 10 – Housing/ Goal 10 Rule. A decision amending an acknowledged comprehensive plan housing inventory without amending existing approval standards that are applied to needed housing is not required to demonstrate that those existing approval standards are “clear and objective,” as required by ORS 197.307(6). *Volny v. City of Bend*, 37 Or LUBA 493 (2000).

14. Goal 10 – Housing/ Goal 10 Rule. Subjective conditional use criteria designed to balance or mitigate the impacts of development on property or the adjoining community are not “clear and objective criteria and standards” that can be applied to approve or deny manufactured dwelling parks under ORS 197.480(5). *Multi/Tech Engineering v. Josephine County*, 37 Or LUBA 314 (1999).

14. Goal 10 – Housing/ Goal 10 Rule. Where a county fails to implement ORS 197.480 to designate residential areas in which manufactured dwelling parks can be located as allowed uses subject only to clear and objective criteria, and the county’s ordinance subjects all manufactured dwelling parks to subjective conditional use criteria, the county cannot apply those criteria to approve or deny a manufactured dwelling park. *Multi/Tech Engineering v. Josephine County*, 37 Or LUBA 314 (1999).

14. Goal 10 – Housing/ Goal 10 Rule. A county plan amendment imposing a “sequencing” requirement that proposed attached housing be built before completing proposed detached housing is supported by an adequate factual base, where a reasonable decision maker could conclude, based on testimony in the record, that the sequencing requirement is necessary to forestall attempts to underbuild attached housing, which may subvert the county’s minimum density standard. *West Hills Development Co. v. Washington County*, 37 Or LUBA 46 (1999).

14. Goal 10 – Housing/ Goal 10 Rule. Petitioners fail to demonstrate that a county’s plan amendment lacks an adequate factual base and is inconsistent with Goal 10 where petitioners merely speculate that the county’s plan amendment, which requires that proposed attached housing be built at a site before completing proposed detached housing, will adversely affect the county’s buildable lands inventory. *West Hills Development Co. v. Washington County*, 37 Or LUBA 46 (1999).

14. Goal 10 – Housing/ Goal 10 Rule. Petitioners fail to demonstrate that a county’s minimum density standard lacks an adequate factual base or is inconsistent with Goal 10 where petitioners merely speculate that application of the standard will make it impossible to develop certain lands at lower densities. Even if petitioners’ speculations are correct, the only probable result is that those lands will be developed at higher densities, which is not inconsistent with Goal 10. *West Hills Development Co. v. Washington County*, 37 Or LUBA 46 (1999).

14. Goal 10 – Housing/ Goal 10 Rule. A decision to remove 40 acres of land from a city’s inventory of multi-family residential land must be shown to be consistent with the inventory of buildable lands in the housing element of the city’s comprehensive plan. A general finding that there are other available lands that would satisfy residential needs is inadequate to explain why the city’s inventory of multi-family residential land remains adequate to meet the city’s needs despite a decision to remove 40 acres from that inventory. *Mulford v. Town of Lakeview*, 36 Or LUBA 715 (1999).

14. Goal 10 – Housing/ Goal 10 Rule. In determining whether rezoning of land from multi-family to single-family residential uses is consistent with Goal 10 and the city’s obligation to provide for multi-family dwellings, the relevant inquiry is not limited by the amount of land designated for multi-family residential uses. The city can take into account multi-family dwellings that have been approved in other zones in determining whether the proposed rezoning is consistent with the city’s obligation to provide a sufficient number of multi-family dwellings. *Herman v. City of Lincoln City*, 36 Or LUBA 521 (1999).

14. Goal 10 – Housing/ Goal 10 Rule. Substantial evidence supports a city’s rezoning of land from multi-family to single-family residential uses, where the city’s inventory indicates a need for 1,081 multi-family dwellings, and a reasonable person could conclude that the number of existing and approved multi-family dwellings exceeds 1,081 units, notwithstanding flaws in the city’s analysis that render the exact number of those dwellings uncertain. *Herman v. City of Lincoln City*, 36 Or LUBA 521 (1999).

14. Goal 10 – Housing/ Goal 10 Rule. A county’s conclusory finding that goals protecting housing are not violated by rezoning rural residential property for industrial use because proximity of the property to commercial and industrial uses and an interstate highway makes use of the property for rural residential uses impracticable is inadequate, where the record includes no evidence of conflicts with those uses that might make rural residential uses impracticable. *James v. Josephine County*, 35 Or LUBA 493 (1999).

14. Goal 10 – Housing/ Goal 10 Rule. Where petitioners do not develop their argument that Statewide Planning Goal 10 and an implementing comprehensive plan housing protection goal categorically prohibit changing the zoning or planning designations of rural residential lands to allow rural industrial use, LUBA will reject the argument. *James v. Josephine County*, 35 Or LUBA 493 (1999).

14. Goal 10 – Housing/ Goal 10 Rule. A comprehensive plan amendment that significantly reduces the supply of residential land implicates Goal 10. Findings that fail to discuss the current housing inventory and needs, anticipated population growth, or whether available vacant land is buildable are inadequate to demonstrate consistency with Goal 10. *Citizens for Florence v. City of Florence*, 35 Or LUBA 255 (1998).

14. Goal 10 – Housing/ Goal 10 Rule. A legislative amendment that changes mobile home parks from a conditional use to a use in a floating zone which has not been applied to any particular site conflicts with ORS 197.480(1) and (2), which require that the city zone specific lands for mobile home parks, commensurate with the need for such parks. *Creswell Court v. City of Creswell*, 35 Or LUBA 234 (1998).

14. Goal 10 – Housing/ Goal 10 Rule. It is inconsistent with Goal 10 to remove an entire category of housing types from a local government’s future housing stock without supporting that decision by a buildable lands inventory and housing needs projections. *Creswell Court v. City of Creswell*, 35 Or LUBA 234 (1998).

14. Goal 10 – Housing/ Goal 10 Rule. A housing needs projection based on the unsupported assumption that the entirety of the city’s future population growth will consist of middle to upper income residents is inconsistent with Goal 10. *Creswell Court v. City of Creswell*, 35 Or LUBA 234 (1998).

14. Goal 10 – Housing/ Goal 10 Rule. Where a local government’s acknowledged comprehensive plan identifies a need "for housing within an urban growth boundary at particular price ranges and rent levels," any housing types that are determined to be

necessary to meet that need are considered "needed housing," within the meaning of ORS 197.303(1). *Rogue Valley Assoc. of Realtors v. City of Ashland*, 35 Or LUBA 139 (1998).

14. Goal 10 – Housing/ Goal 10 Rule. Even if high-cost housing could be excluded from "needed housing" under ORS 197.303(1), where such high-cost housing is included in the housing needs identified in the comprehensive plan, it constitutes "needed housing" within the meaning of the statute. *Rogue Valley Assoc. of Realtors v. City of Ashland*, 35 Or LUBA 139 (1998).

14. Goal 10 – Housing/ Goal 10 Rule. OAR 660-008-0005 permits a local government to exclude lands with slopes in excess of 25 percent from its buildable lands inventory for housing. *Rogue Valley Assoc. of Realtors v. City of Ashland*, 35 Or LUBA 139 (1998).

14. Goal 10 – Housing/ Goal 10 Rule. Where a city's buildable lands inventory does not include underdeveloped residential lands, it need not consider whether more restrictive land use regulations will have impacts on them. *Rogue Valley Assoc. of Realtors v. City of Ashland*, 35 Or LUBA 139 (1998).

14. Goal 10 – Housing/ Goal 10 Rule. Where a city's decision adopts more restrictive land use regulations affecting residential lands, it must consider the impact of those regulations on unincorporated lands inside the UGB, if the city relies on such land to meet its identified housing needs. *Rogue Valley Assoc. of Realtors v. City of Ashland*, 35 Or LUBA 139 (1998).

14. Goal 10 – Housing/ Goal 10 Rule. Legislative history makes it clear that "needed housing" is not to be subjected to standards, conditions or procedures that involve subjective, value-laden analyses designed to balance or mitigate impacts of the development on (1) the property to be developed or (2) the adjoining properties or community. *Rogue Valley Assoc. of Realtors v. City of Ashland*, 35 Or LUBA 139 (1998).

14. Goal 10 – Housing/ Goal 10 Rule. A city's failure to clearly and objectively identify the information that must be submitted in support of an application for approval to construct needed housing does not violate the statutory requirement for "clear and objective" "procedures for approval." Under ORS 227.178(2) the city is required to notify the applicant of exactly what information is missing from the application within 30 days of receipt of the application. *Rogue Valley Assoc. of Realtors v. City of Ashland*, 35 Or LUBA 139 (1998).

14. Goal 10 – Housing/ Goal 10 Rule. A city code provision that allows it to impose conditions on applications to construct "needed housing" to "mitigate any potential negative impacts caused by the development" violates the statutory requirement for "clear and objective" procedures for such applications. *Rogue Valley Assoc. of Realtors v. City of Ashland*, 35 Or LUBA 139 (1998).

14. Goal 10 – Housing/ Goal 10 Rule. A code requirement that vegetation included in a planting plan be "native vegetation" is a sufficiently clear and objective standard under ORS 197.307(6). That the requirement includes an option to use "similar species" in place of "native vegetation" does not mean the requirement is not clear and objective. *Rogue Valley Assoc. of Realtors v. City of Ashland*, 35 Or LUBA 139 (1998).

14. Goal 10 – Housing/ Goal 10 Rule. A code requirement that needed housing site grading "shall consider the sensitive nature of these areas," "[retain] existing grades to the greatest extent possible [and] avoid an artificial appearance by creating smooth flowing contours of varying gradients" is not "clear and objective," within the meaning of ORS 197.307(6). *Rogue Valley Assoc. of Realtors v. City of Ashland*, 35 Or LUBA 139 (1998).

14. Goal 10 – Housing/ Goal 10 Rule. Local code standards requiring that trees of a particular diameter be "incorporated into the project design whenever possible" and that development must preserve "the maximum number of existing trees" and that "building envelopes must be located and sized to preserve the maximum number of trees" are sufficiently clear and objective to comply with ORS 197.307(6). *Rogue Valley Assoc. of Realtors v. City of Ashland*, 35 Or LUBA 139 (1998).

14. Goal 10 – Housing/ Goal 10 Rule. A post-construction enforcement provision that potentially affects "needed housing" does not violate ORS 197.307(6), because the statute only limits "standards, special conditions and procedures" when reviewing applications for needed housing. *Rogue Valley Assoc. of Realtors v. City of Ashland*, 35 Or LUBA 139 (1998).

14. Goal 10 – Housing/ Goal 10 Rule. A local building design requirement to "cut buildings into hillsides to reduce visual bulk" is sufficiently clear and objective to comply with ORS 197.307(6), where the requirement includes a diagram making it clear that achieving a level building pad is to be accomplished by cutting rather than by filling or by a combination of cutting and filling. *Rogue Valley Assoc. of Realtors v. City of Ashland*, 35 Or LUBA 139 (1998).

14. Goal 10 – Housing/ Goal 10 Rule. A code requirement for a detailed geotechnical study with an application to develop hillside lands could be applied in a way that would result in "unreasonable cost or delay" affecting needed housing, in contravention of ORS 197.307(6). However, the code requirement need not necessarily be applied in that manner and, therefore, the code requirement itself does not violate ORS 197.307(6), even though application of that requirement in particular cases might. *Rogue Valley Assoc. of Realtors v. City of Ashland*, 35 Or LUBA 139 (1998).

14. Goal 10 – Housing/ Goal 10 Rule. The ORS 197.307(3) requirement for clear and objective conditions and standards for certain housing when regulating for appearance or aesthetic purposes does not apply to regulations adopted to regulate for other purposes, even if those regulations may also regulate for appearance or aesthetic purposes. *Rogue Valley Assoc. of Realtors v. City of Ashland*, 35 Or LUBA 139 (1998).

14. Goal 10 – Housing/ Goal 10 Rule. OAR 660-008-0015 requires that local governments apply nondiscretionary approval standards to needed housing. A standard that requires that the color, material and appearance of new exterior siding and roofing be "similar to" the color, material and appearance of existing siding and roofing in the community is not nondiscretionary. *Barnard Perkins Corp. v. City of Rivergrove*, 34 Or LUBA 660 (1998).

14. Goal 10 – Housing/ Goal 10 Rule. Where plan amendments undermine assumptions that support acknowledged plan provisions directed at Goal 10 requirements, the local government must demonstrate that the plan as amended still complies with Goal 10. *Barnard Perkins Corp. v. City of Rivergrove*, 34 Or LUBA 660 (1998).

14. Goal 10 – Housing/ Goal 10 Rule. When the size of the city's buildable lands inventory was calculated, deemed adequate and acknowledged on the assumption there would be redevelopment resulting in 2,400 multiple family units within a mile of downtown, the city must, before adopting new regulations which undermine that assumption, consider the impact of the new regulations on the city's buildable lands inventory. *Opus Development Corp. v. City of Eugene*, 30 Or LUBA 360 (1996).

14. Goal 10 – Housing/ Goal 10 Rule. When adopting post-acknowledgment plan and zone map amendments affecting residentially designated land within an urban growth boundary, a local government must demonstrate that it continues to satisfy its Goal 10 obligation to maintain an adequate inventory of buildable lands. *Opus Development Corp. v. City of Eugene*, 28 Or LUBA 670 (1995).

14. Goal 10 – Housing/ Goal 10 Rule. Under OAR 660-08-015(12) and (13), a buildable lands inventory may include "redevelopable" residentially designated land that is already built upon. However, land which has a mixed use comprehensive plan designation, rather than a residential plan designation, cannot be included in a buildable lands inventory. OAR 660-08-020(1). *Opus Development Corp. v. City of Eugene*, 28 Or LUBA 670 (1995).

14. Goal 10 – Housing/ Goal 10 Rule. Where a city has a population of less than 2,500 people, the city's comprehensive plan and land use regulations do not implement the "needed housing" provisions of either ORS 197.307(6) or Goal 10 and, therefore, the city's interpretation of its plan and land use regulations is not subject to reversal or remand on the basis of inconsistency with statutory and goal standards relating to "needed housing." *Shelter Resources, Inc. v. City of Cannon Beach*, 27 Or LUBA 229 (1994).