



American Planning Association  
**Oregon Chapter**

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*Making Great Communities Happen*

May 9, 2016

Oregon Land Conservation and Development Commission  
635 Capitol St, NE  
Suite 150  
Salem, OR 97301

RE: Agenda Item 8, Goal 10 and Fair Housing – Comments from the Oregon Chapter of the American Planning Association

Dear Chair MacPherson and Commission Members,

The Oregon Chapter of the American Planning Association (OAPA) is an independent, statewide, not-for-profit educational organization with 850 member that provides leadership in fostering vital communities by advocating excellence in community planning, promoting education and citizen empowerment, and providing the tools and support necessary to meet the challenges of growth and change.

Our comments address Statewide Planning Goal 10 and Fair Housing. Virtually everybody in Oregon is talking about the housing crisis. While the 2016 Oregon Legislature took an initial step to address affordable housing with the passage of four bills this session, the bills may not do enough to significantly increase the stock of affordable housing.

Given the need to address affordable housing issues, and the role of land use planning to provide the needed land and appropriate zoning, the OAPA believes that the time is ripe for the Land Conservation and Development Commission (LCDC) to evaluate Goal 10 and the Department of Land Conservation and Development's (DLCD) programs and staffing related to housing to ensure that the state is helping local jurisdictions do everything they can to provide needed housing for residents at all income levels.

The Legislature heard hours of testimony about real tenant hardship, low vacancy rates, and the need for more tools and resources at the local government level to produce more units. The federal government has recently released extensive guidelines requiring jurisdictions to affirmatively further fair housing and enhance access to affordable housing in their communities. In the Portland area, Metro has just distributed an extensive report to regional governments outlining various tools and revenue strategies to expand the supply of housing units affordable to those on low- and fixed incomes.

It is time to conduct a thorough evaluation of Goal 10 to better understand how it helps, as well as hinders, the ability of jurisdictions to provide housing their residents can afford. The goal (adopted in 1974 and the implementing rules (adopted in the early 1980s) have not kept up with housing demand and trends, as well as intervening court cases, such as the Court of Appeals

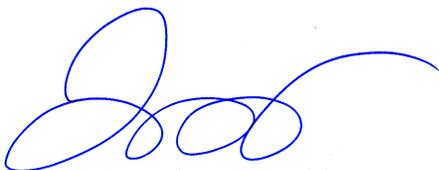
finding that ORS 197.296 should not apply to cities with a population of less than 25,000 (GMK Developments LLC v. City of Madras LLC, 199 P.3d 882 (2008) 225 Or. App. 1. Well intentioned, though potentially misguided, efforts by the legislature to allow UGB expansions for affordable housing may not provide affordable housing where it is most needed. Affordable housing should be located close to job centers, public transportation, and services as opposed to the urban edge adding to the cost burden of households through increased transportation costs.

The time is right for DLCDC to conduct an evaluation of Goal 10 and the supporting program activities to better serve housing needs for all Oregonians, with a focus on the most vulnerable populations. For example, the valuable, but dated, 1997 *Planning for Residential Growth Workbook* is ready for a well-deserved update. The recent UGB streamlining effort did a good job of laying out a menu of incentives and tools for local governments to consider that could that should increase the diversity and supply of housing throughout the state. An evaluation could also ensure that the efforts of the Transportation and Growth Management program are encouraging efficiencies that reduce transportation costs for low-income Oregonians. Finally, it would be a worthwhile effort to conduct a data-driven evaluation of Goal 10 to ensure that application of the Goal results in housing for Oregonians at all income levels. Given that the Oregon Housing and Community Services Department Director Margaret Van Vliet reported in November 2015 to the legislature that there is a gap of over 100,000 affordable housing units for renters with extremely low income, we suspect that there is significant room for improvement. There are likely additional opportunities to work with other state and local agencies to leverage efforts to increase affordable housing.

In addition, we want to express interest and enthusiasm for the work recently completed by Ms. Julia McKenna, identifying affordable housing barriers and tools and surveying several jurisdictions to test the viability of different tools. To build on this momentum, we suggest LCDC consider allocating additional staffing (or request new staffing) to better address affordable housing issues. We urge you to work with the Oregon Department of Housing and Community Services, the Fair Housing Council of Oregon, and other potential stakeholders and funders to continue Ms. McKenna's work.

Regardless of how you choose to staff the effort, **OAPA strongly supports a larger decision by LCDC to sustain the inventory and exploratory work done to date by adopting a Goal 10 Housing Evaluation project as part of the work plan for the next 18 months.** The opportunity to tie the effort to the recent interest by Metro, the legislature, and many local governments provides LCDC and the Department with a chance to produce a collaborative product and link various constituencies focused on producing housing choices for more Oregonians. We stand ready to assist you in that effort.

Thank you for your service, and for this opportunity to present our comments.



Jeannine Rustad, JD, President  
Oregon Chapter of the American Planning Association