



American Planning Association
Oregon Chapter

Making Great Communities Happen

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House Rural Communities, Land Use and Water
Representative Brian Clem, Chair
900 Court Street NE
Salem, Oregon 97301

RE: HB 4079 regarding pilot projects for affordable housing at the edge of the UGB

Chair Clem and Members of the House Committee:

The Oregon Chapter of the American Planning Association (OAPA) is an independent, statewide, not-for-profit educational organization with 850 members that provides leadership in the development of 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.

Thank you for the opportunity to comment on HB 4079. OAPA believes that Oregon communities will need to be creative to address the affordable housing challenge and should have a wide array of tools at their disposal. OAPA supports the concept that the Department of Land Conservation and Development and the Housing and Community Services Department should work together to create tools and policies that can increase affordable housing. That said, we have significant concerns with the assumption that expanding urban growth boundaries (UGBs) without analysis of need, planning for infrastructure, or planning complete communities with jobs, schools, and shopping close to housing, is the wrong policy option to adopt.

This legislation makes the assumption that one of the key challenges to affordable housing is a lack of land due, in large part, to the UGB expansion process. The 2013 Oregon legislature acknowledged that the process for evaluating and supporting a UGB expansion was taking way too long (10 to 20 years in some cases) at too high of a cost, for some (though not all) jurisdictions. HB 2254 (passed by the 2013 Oregon legislature) directed the Land Conservation and Development Commission (LCDC) to streamline the UGB process. After two years of work, and hundreds of staff and advisory committee hours, LCDC adopted rules in December 2015 that went into effect on January 1, 2016. These new rules are designed to make the process simpler, faster, and less expensive. The rules:

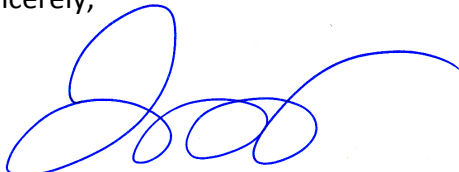
- **Create a new, simplified, optional process** to evaluate and amend the UGB.
- **Requires cities to evaluate their UGB every 14 years** to ensure that that land in the UGB is serviceable in the near term.
- **Reduce litigation.** In order to provide a simpler method, the proposed new process has a series of “numbers” and “ranges” that cities can choose from when making key policy decisions. These ranges would provide, essentially, “safe harbors” for cities (although that term is not used). If a city selects a number or a value within the stated range, the Land Use Board of Appeals (LUBA) must affirm that decision.
- **Increase the speed of acknowledgement.** UGB amendments no longer go to LCDC for approval. Instead they are reviewed in the same manner as a post-acknowledgement plan amendment and are “deemed acknowledged” (approved) after 21 days unless appealed to LUBA.

Significant research by the University of Oregon went into informing this process to determine the standard ranges for housing and employment. In addition, the Advisory committee spent considerable time discussing the locational needs (analysis of where expansions should go), needed housing land analysis, needed employment land analysis, the buildable lands inventory, housing efficiency measures, serviceability (provision of infrastructure), public facilities, habitat and wetlands, and periodic review. This list provides just a snapshot of the types of topics that cities should consider when expanding an urban growth boundary. By taking some time to plan for growth, citizens can help shape the form of their communities through the public participation process, and cities can plan for the *efficient* provision of infrastructure and public services. OAPA recommends that the Legislature allow the new streamlined process to work before tinkering with the rules again.

While many people hope that there is a silver bullet that will instantly produce the desperately needed affordable housing, OAPA believes that it will take significant funding, use of a myriad of financing tools, as well as an evaluation and change to zoning, land use, and other regulations (such as parking requirements, design review, and restrictions to accessory dwelling units and other “middle density” housing types that incrementally increase density) to remove the barriers to affordable housing.

Thank you again for your attention on this important issue and for the opportunity to comment on this legislation.

Sincerely,



Jeannine Rustad, President
Oregon Chapter of the American Planning Association