



July 16, 2018

City of Forest Grove Planning Commission  
1924 Council Street  
P.O. Box 326  
Forest Grove, Oregon 97116-0326

**Re: Development Code Amendments to increase the bonus residential density for  
affordable housing - File No. 311-18-000014-PLNG**

Dear Commissioners:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians. FHCO's interests relate to a jurisdiction's obligation to affirmatively further fair housing. Please include these comments in the record for the above-referenced proposed amendment.

As an initial matter, FHCO and HLA applaud the City's proposal to add incentives for affordable housing. It is exciting to see a small city take its responsibility to provide affordable housing seriously and to start to plan for an incentive-based approach for providing affordable housing options. The following offers one constructive criticism which our organizations believe will help complete the Goal 10 analysis needed to adopt the proposed amendment so that all stakeholders, including the City staff can track the effectiveness of the proposed incentives.

As you may know, all amendments to the Comprehensive Plan Map and Zoning map must comply with the Statewide Planning Goals. ORS 197.175(2)(a). When a decision is made affecting the residential land supply, the City must refer to its Buildable Land Inventory (BLI) to show that an adequate number of needed housing units (both housing type and affordability level) will be supported by the residential land supply after enactment of the proposed change. The staff report for the proposed amendment notes that, "Increasing density for affordable



housing . . . would increase opportunities for the construction of needed housing in a cost-effective manner.” However, these findings do not rise to the level required by Goal 10.

The City must demonstrate that its actions do not leave it with less than adequate residential land supplies in the types, locations, and affordability ranges affected. *See Mulford v. Town of Lakeview*, 36 Or LUBA 715, 731 (1999) (rezoning residential land for industrial uses); *Gresham v. Fairview*, 3 Or LUBA 219 (same); see also, *Home Builders Assn. of Lane County v. City of Eugene*, 41 Or LUBA 370, 422 (2002) (subjecting Goal 10 inventories to tree and waterway protection zones of indefinite quantities and locations). Only with a complete analysis showing any gain in needed housing as compared to the HNA and BLI can housing advocates and planners understand whether the City is achieving its goals through code amendments.

We also would recommend that City staff calendar a time in 12-18 months to analyze whether any developer has used the incentive and report back to the Planning Commission and City Council. At this check-in point, the City could consider whether additional adjustments or incentives could be added to reach affordability levels at 60% average median income or below.

HLA and FHCO urge the City to defer adoption of the proposed amendment until Goal 10 findings include reference to the Buildable Land Inventory. Thank you for your consideration. Please provide written notice of your decision to, FHCO, c/o Louise Dix, at 1221 SW Yamhill Street, #305, Portland, OR 97205 and HLA, c/o Jennifer Bragar, at 121 SW Morrison Street, Suite 1850, Portland, OR 97204. Please feel free to email Louise Dix at [ldix@fhco.org](mailto:ldix@fhco.org).

Thank you for your consideration.

A handwritten signature in blue ink that reads "Louise Dix".

Louise Dix  
AFFH Specialist  
Fair Housing Council of Oregon

A handwritten signature in blue ink that reads "Jennifer Bragar".

Jennifer Bragar  
President  
Housing Land Advocates

cc: Kevin Young ([kevin.young@state.or.us](mailto:kevin.young@state.or.us))