



September 5, 2017

City Irrigon Planning Commission
500 NE Main St.
Irrigon, Oregon 97844

Re: 240-17 Repealing and replacing Article X (Irrigon's Development Code). Amends the current Zoning Map as part of the repeal and replace.

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.

Goal 10 Findings

As you may know, all amendments to the Development Code must comply with the Statewide Planning Goals. ORS 197.175(2)(a). The proposed amendments are unsupported by findings regarding the City's Goal 10 obligations. Absent a baseline understanding of the City's housing needs, it is impossible to tell whether a single residential zone can support the full range of housing options (both in terms of density and affordability) required by Goal 10.

When a decision is made affecting the residential land supply, the City must refer to its Housing Needs Analysis and Buildable Land Inventory 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—that analysis was not included in the staff report.

Even when a proposal increases the residential land supply, the City must show that it is adding needed residential zones. 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).

Clear and Objective Standards are Required for Multi-family Developments

In addition, the conditional use standards proposed for multi-family developments are not clear and objective. The City should consider defining the scope of the term "adequate" in relation to the conditional use standards, as well as ensure that the term "negative impacts" of the proposal are sufficiently defined and not improper under the Fair Housing Act (e.g. should not refer to adverse impacts to property value, fear of crime, or other code words meant to veil discrimination).

Definition of Residential Facility/Group Care

HLA and FHCO also caution against the additional level of review for residential homes that are defined as five people or fewer as compared to single-family dwellings. The Fair Housing Act (FHA) provides that protected classes, such as people with a disability who typically live in group home settings, cannot be discriminated against in the zoning context. Other cities have adopted conditional use review for residential homes that include 15 or more residents. See for example Oregon City Municipal Code Section 17.14.030.J, and consider definition of Group Living in the Portland City Code 33.920.100 that describes a use instead of a numerical limit. Setting the limit at five, when many families have five or more members, is too low and raises concerns about compliance with the FHA.

Conclusion

HLA and FHCO urge the Commission to defer repeal and replacement of Article X until Goal 10 findings can be made, revised conditional use standards for multi-family developments are drafted, and for further consideration of the residential facility/group care definitions and level of review. 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 or reach her by phone at (541) 951-0667. Thank you for your consideration.

A handwritten signature in black 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: Gordon Howard (gordon.howard@state.or.us)