



October 17, 2017

City of Happy Valley
City Council
16000 SE Misty Drive
Happy Valley OR 97086

Re: Proposed Ordinance 518: Annexation of 22 Properties ANN-02-17/CPA-05-17/LDC-07-17

Dear Mayor DeRemer and Members of the Council:

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.

Our organizations have concerns over the above matter, which, we assume from the staff report and Council procedures, is not being treated as a quasi-judicial matter. If the Council now chooses to treat this matter as quasi-judicial, it should re-notice and rehear this case as such, and we ask for a continuance of at least seven days to prepare for a further response.

Our principal concern in this case has to do with application of the housing goal. The staff report on that goal, in its entirety, is as follows:

Goal 10: Housing (660-015-0000(10))

Goal 10 specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

Staff Response:

As discussed above, 16 of the 21 subject properties, and the partial property, will retain their existing Clackamas County zoning designation, until such time as a Comprehensive Plan has been adopted for this geographic area of the City. The 16 properties, the ex-Damascus properties, are not located within an area of the City that is covered by an acknowledged Comprehensive Plan. Subsequent to the approval of this annexation and prior to any development occurring on the subject properties, the City of Happy Valley intends to work with affected governmental entities and utility service providers to analyze how best to provide future housing needs. Six of the subject properties will convert from Clackamas County zoning to the equivalent Happy Valley zone per Section 16.67.070 of the LDC. As such, the annexation is compliant with the City's Comprehensive Plan goals and policies pertaining to Goal 10 and the UGMFP (also see Compliance with Regional Goals) and therefore, this criterion has been satisfied.

With great respect to staff, these findings are insufficient.

- Annexation has significant effects on land use and the statewide planning goals apply. For Goal 10 purposes, the City must show how these properties fit within the City's buildable lands analysis and housing needs analysis. Neither of those issues is mentioned in the staff report.
- The 16 properties mentioned in the staff report might retain an acknowledged Clackamas County plan and zoning designation. The staff report does not mention those designations, nor how they fit within the City's housing picture.
- While the conversion section of LDC 16.67.070 may be applicable, there is no connection to the numbers of housing units or relation to the expectations of Goal 10 regarding housing types and densities in the findings.
- Finally, aside from the conclusory language in the final sentence of the staff response, there is nothing to show that Goal 10 and the UGMFP have been satisfied.

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We support the region's overall policy that governance of areas slated for future urban development is generally best done by cities. However, to ensure those areas develop to urban densities to meet the identified needs of the annexing city, Goal findings, including Goal 10, must be made. Therefore, we urge the Council to defer action on these annexations until a proper Goal 10 housing analysis has been completed, which we hope will be done promptly.

Respectfully,

A handwritten signature in blue ink that reads "Louise Dix". The script is cursive and fluid.

Louise Dix
AFFH Specialist
Fair Housing Council of Oregon

A handwritten signature in blue ink that reads "Jennifer Bragar". The script is cursive and fluid.

Jennifer Bragar
President
Housing Land Advocates

cc: Gordon Howard (gordon.howard@state.or.us)