



March 12, 2018

Planning Commission
City of Lake Oswego
PO Box 369
Lake Oswego, OR 97034

Re: HLA and FHCO Comments on File No. LU 17-0079

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 you know, all amendments to the Development Code or the Comprehensive Plan Map and Zoning map must comply with the Statewide Planning Goals. ORS 197.175(2)(a). We are responding to the Sunningdale Road site portion of the above application file. Although the Goal 10 findings in the attached staff report make reference to Low Density (R-10 and R-15) housing being counted and considered as "needed housing," the City has met the Low Density housing needs under its Needed Housing Analysis and the 2013 Comprehensive Plan map's low density R-10 and R-15 designations. We are seeing no reference to the City's need for medium or higher density housing. Only by including findings that cover all categories of needed housing can this proposal be evaluated sufficiently. Absent clear references to the City's overall housing needs and related Goal 10 analysis will it be possible ensure that the City maintains an adequate housing mix.

When a decision is made affecting the residential land supply, the City must refer to its Housing Needs Analysis and 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 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 BLI can housing advocates and planners understand whether the City is achieving its goals through code amendments.

HLA and FHCO urge the Commission to defer adoption of the proposed amendment until Goal 10 findings include reference to the City's need for medium or higher density housing. 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)