



May 1, 2018

Benton County Planning Commission
360 SW Avery Ave.
Corvallis, OR 97333

**Re: Case File No. LU-18-016: Amendments to Development Code Chapters 51, 63, 64, 65
and 91**

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 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 Housing Needs Analysis (HNA) 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. We agree with the staff report's assertion that the proposed amendments expand allowance of accessory dwelling units as required by Senate Bill 1051. We also credit the County for updating its manufactured dwelling code to allow reduced minimum sizes and to adopt clear and objective standards. The staff report, however, does not discuss the HNA or BLI or how the amendments affect housing availability.

Even when a proposal "provides an opportunity for . . . more dwelling units," the County must show that it is adding needed residential zones. The County must demonstrate that its actions do not leave it with less than adequate residential land supplies in the types, locations, and affordability ranges affected – particularly in its urban areas. *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 County is achieving its goals through code amendments.

We also recommend that the County reconsider the owner occupancy requirement for accessory dwelling units. If the County's concern is short-term occupancy, then we recommend adopting minimum tenancies for ADUs instead of an owner-occupancy requirement because there is no need to reduce the number of housing units that could be built just because both the main house and ADU could be rented.

HLA and FHCO urge the Commission 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 or reach her by phone at (541) 951-0667.

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