



January 8, 2018

City of Lake Oswego Planning Commission
380 A Ave,
Lake Oswego OR 97034

Re: LU 17-0078 amending the zoning map to provide for wider lot sizes

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). After review of the staff report and exhibits, it is not clear to FHCO and HLA how the proposed amendment would result in a reduction of only 9 units. We do not think the staff report supports a 20% reduction in area for the right of way, and believe the number should be lower. We also do not think the reduction should be this high. Also, it is unclear whether the City incorporated the density transfer on lots constrained by natural resource areas under LOC 50.05.010. We worry that the reduction would be greater and would not comply with Goal 10. We may have additional comments as this application moves through the process to the City Council, but given the short time between publishing the staff report and this hearing, please accept these initial comments, as well as the below, specifically in regards to 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 (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.



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). 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 the reduction in units can be more clearly shown. 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.

Louise Dix

Louise Dix
AFFH Specialist
Fair Housing Council of Oregon

Jennifer Bragar

Jennifer Bragar
President
Housing Land Advocates

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