



November 11, 2019

City of Hermiston Planning Department
180 NE 2nd Street
Hermiston, OR 97838

Re: Conversion & Annexation 4N2812B Tax Lots 200 & 300-Piercy (Agenda Item # 3.B)

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, and as reflected in the staff report, all amendments to the City's Comprehensive Plan 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) in order 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 staff report for the proposed conversion and annexation recommends its approval. This recommendation is contingent on the Goal 10 findings, stating that since the changes will provide "new opportunities for housing and economic growth" they comply with Goal 10. However, the simple addition of housing to the City does not result in automatic compliance. For example, if the Johnson Economics report states that the City has enough buildable lands within its UGB to provide for the housing of its citizens for the next 57 years, how is the proposed annexation justified? If more moderate income and senior housing is desired by the City, what is preventing the City from obtaining this housing within its current boundary? Additionally, what



is the need for moderate income housing and traditional single-family homes, as compared to the need for affordable housing within the City? Goal 10 findings must demonstrate that the changes do not leave the City 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 Cty. 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). Further, referencing the City's HNA and BLI within Goal 10 findings does not result in compliance. The report needs to fully utilize these resources to provide an adequate factual basis to support the need for this annexation and the development that will be created. Only with a complete analysis can housing advocates and planners understand whether the City is achieving its goals through this conversion and annexation.

HLA and FHCO urge the Commission to defer approval of the proposed conversion and annexation until adequate Goal 10 findings can be made, and the proposal fully evaluated under the HNA and BLI. 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: Kevin Young (kevin.young@state.or.us)