



November 11th, 2019

City of Silverton Planning Commission
306 S Water Street
Silverton, OR 97381

Re: COMPREHENSIVE PLAN AMENDMENT TO CHANGE THE DESIGNATION OF 801-809 DAVENPORT LANE (MARION COUNTY ASSESSOR'S MAP 061W34C00700) FROM PUBLIC TO MULTI-FAMILY RESIDENTIAL WITH A CONCURRENT ZONE CHANGE TO CHANGE THE BASE ZONE TO RM-10, WHICH ALLOWS RESIDENTIAL DENSITIES FROM 10 TO 20 UNITS PER ACRE. (CP-19-03&ZC-19-04)

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 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. Goal 10 findings are required even if the proposed changes are in compliance with an acknowledged Comprehensive Plan.

The staff report for the proposed Comprehensive Plan Amendment and Zone Change recommends its approval. This approval is contingent on the findings which state: "The City of Silverton adopted the Comprehensive plan to be consistent with the statewide planning goals and has been acknowledged by the State." However, an acknowledged Comprehensive Plan does not excuse



the City from providing Goal 10 findings. Goal 10 findings must demonstrate that the proposed 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, providing Goal 10 findings, as well as findings regarding the Housing and Urbanization elements of the City's Comprehensive Plan, have the potential to help the City expand its analysis. For example, the stated shortfall of multi-family housing experienced currently is due to the fact that the 108 acre Pioneer Village development created 60 less multi-family units than initially anticipated. Perhaps a more in-depth analysis would have revealed why these units did not materialize, and how to prevent this from happening in the future. It should be noted that the current report utilized the HNA and BLI affectively to advocate for the need for more multi-family housing and zoned land within the City.

HLA and FHCO urge the Commission to defer adoption of the proposed CP-19-03 and ZC-19-04 until Goal 10 findings can be made, and the proposal 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)