



August 15, 2019

City of Keizer Planning Commission
930 Chemawa Rd NE
Keizer, OR 97303

Re: Proposed Amendments to the Comprehensive Plan and Keizer Development Code along with proposed Zone Changes to Commercial designated parcels to the Mixed Use as part of the Proposed Keizer Revitalization Plan

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.

The staff report for the proposed amendments does not include findings for Statewide Goal 10, describing the effects of these changes on the housing supply within the City. Goal 10 findings are not provided due to the fact that staff cannot bring the BLI/HNA to Commission because there are court decisions that prohibit its adoption if the City is in a deficit. Yet the inability of the City to make Goal 10 findings at this time, does not excuse them from the requirement to provide those findings in order to move forward with any amendments. Goal 10 findings are vital



to ensure that 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). If the City cannot bring the BLI/HNA to council due to legal complications, the City cannot provide an adequate factual basis for Goal 10 findings. Only with a complete analysis showing any gain/loss in needed housing as dictated by the HNA and compared to the BLI, can housing advocates and planners understand whether the City is achieving its goals through the proposed amendments. The City needs to be able to provide Goal 10 findings, supported by the HNA and BLI, to move forward with the proposed amendments.

HLA and FHCO urge the Commission to defer approval of the proposed amendments 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)