



November 26, 2019

Mayor and City Council of Bandon
555 Highway 101
Bandon, OR 97411

Re: Zone Code Text Amendment : BMC Chapter 17.100 Planned Unit Development (Item No : 4.1)

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 Zone Code Text Amendment regarding Planned Unit Developments (PUDs) does not include findings for Statewide Planning Goal 10, describing the effects of the proposed changes on the housing supply within the City. For example, how do the proposed PUD code changes facilitate more housing development of the most needed types? What is the rationale behind requiring multifamily PUDs to have additional setback requirements not faced by single family dwelling PUDs? Do such setback requirements act as a barrier to the development of the most needed housing types? 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, since the purpose of the changes is to create more affordable housing for the City, the report should reference the need for these changes as dictated by the City's HNA. Only with a complete analysis, utilizing both the HNA and BLI, can housing advocates and planners understand whether the City is achieving its goals through adoption of these amendments.

HLA and FHCO urge the Council to defer adoption of the proposed Zone Code Text Amendment 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)