

Memorandum

Date: September 9, 2019

To: Russ Axelrod, Mayor
West Linn City Council

From: Darren Wyss, Associate Planner

Subject: Response to Comments (ANX-19-01)

At its September 9, 2019 meeting, the West Linn City Council will hold a public hearing on the proposed annexation of 0.93 acres at 1980 Rosemont Road. On September 5, 2019, City staff received a comment letter submitted jointly by the Fair Housing Council of Oregon (FHCO) and the Housing Land Advocates (HLA). The letter asserted the staff report did not adequately address Statewide Planning Goal 10: Housing. Staff has provided responses below.

“...all amendments to the City’s Comprehensive Plan and Zoning map must comply with the Statewide Planning Goals. ORS 197.175(2)(a)”.

Staff Response: The City of West Linn has an acknowledged Comprehensive Plan, including a Housing Needs Analysis and Buildable Lands Inventory. The two properties proposed for annexation have been designated as Low Density Residential on the City of West Linn Comprehensive Plan Map (Plan Map) since July 2000 (Ordinance 1457). The Plan Map was reviewed by the Oregon Department of Land Conservation and Development and was found to be in compliance with Goal 10. Designating the two properties with the City’s R-10 zoning, as part of the annexation, will implement the City’s Plan Map.

“Goal 10 findings must be provided to demonstrate that the changes do not leave the City with less than adequate residential land supplies in the types, locations, and affordability ranges. See Mulford v. Town of Lakeview...(rezoning residential land for industrial uses: Gresham v. Fairview...(same); see also, Home Builders Assn. of Land Cty. v. City of Eugene (subjecting Goal 10 inventories to tree and waterway protection zones...)”.

Staff Response: The City of West Linn has an acknowledged Comprehensive Plan, including a Housing Needs Analysis and Buildable Lands Inventory. The three Land Use Board of Appeals cases referenced were all reducing the amount of buildable residential land available in a community. The two properties proposed for annexation will increase the amount of buildable land within the West Linn city limits. The two properties have been designated as Low Density Residential on the City of West Linn Comprehensive Plan Map (Plan Map) since July 2000 (Ordinance 1457). The Plan Map was reviewed by the Oregon Department of Land Conservation and Development and was found to be in compliance with Goal 10. Designating the two properties with the City’s R-10 zoning, as part of the annexation, will implement the City’s Plan Map.



September 5, 2019

City of West Linn Planning Commission
22500 Salamo Road #1000
West Linn, OR 97068

Re: Annexation of 0.93 acres at 1480 Rosemont Road (ANX-19-01)

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 annexation and zoning for 1480 Rosemont Road (Single-Family Residential Detached with a 10,000 square foot minimum lot size) recommends its approval. However, the staff report does not include findings for Statewide Goal 10, describing the effects of this annexation and zoning on the housing supply within the City. Goal 10 findings must be provided to 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, since these changes will increase the City's supply of residential land, the report should reference how these changes will affect needed housing as dictated by the City's HNA. In other words, is one single family home, and the potential for two more, truly what the City needs? 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 this annexation and corresponding zoning.

HLA and FHCO urge the Commission to defer approval of the ANX-19-01 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)