



CITY OF West Linn

Memorandum

Date: October 21, 2020
To: Planning Commission
From: Darren Wyss, Acting Planning Manager
Subject: ZC-20-01 Public Comment and Staff Response

On Wednesday, October 21, 2020 the Planning Commission (PC) will be holding a public hearing on land use application ZC 20-01. Subsequent to the publishing of the staff report, Planning staff sent the PC a memorandum with four comments and staff response on October 16, 2020. One additional comment was submitted on October 20, 2020 and it is attached. Below you will find the staff response.

Fair Housing Council of Oregon

Comment 1 – The City must refer to its Housing Needs Analysis and Buildable Lands Inventory

Staff Response – The City’s last acknowledged Housing Needs Analysis (HNA) and Buildable Lands Inventory (BLI) was adopted in 1999. The information included in the HNA and BLI is woefully out of date and does not accurately represent current conditions in the City of West Linn. The City has received grant funding from the state to update its HNA and BLI, both of which will be complete in June 2021 and adopted thereafter. In the meantime, the best data available to the City is the 2019 Clackamas County Regional Housing Needs Analysis (2019 RHNA). Please see staff responses to specific comments below, which are based on this best available data.

Comment 2 – The staff report does not address how the additional multi-family units will alleviate the housing need within the City.

Staff Response – The 2019 RHNA identified a need for 250 multi-family units in the Medium-High Density (MHD) comprehensive plan designation (see page 402 attached). The 2019 RHNA also conducted a BLI that identified a total of four buildable acres available in the MHD designation (see pages 392-393 attached). The maximum density allowed in the MHD designation is approximately 20 units per acres, which equates to a deficit of 170 (250 needed units minus 80 potential units) needed units. The zone change will increase the buildable land within the MHD designation and help to meet the identified need in the 2019 RHNA. Additionally, the largest buildable property located in the MHD designation is under



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ownership of Tanner Springs Assisted Living facility and anticipated to be used for expansion of the facility.

Comment 3 – The staff report does not address how the zone change will not leave the City with less than adequate residential land supplies in the affordability ranges affected.

Staff Response – The 2019 RHNA identified the future need for new households based on median family income (see page 404 attached). The largest identified need is for households earning greater than 80 percent of the median family income (63 percent). The 2019 RHNA also identified only 15 percent of current households in West Linn are within multi-family units compared to 32 percent of the housing in the Portland Region being multi-family. There is an identified need for multi-family housing in West Linn across the spectrum of affordability ranges. Depending on the size, number of bedrooms, and other amenities, the zone change will create an opportunity to address the need for multi-family housing within one of the needed affordability ranges.

Comment 4 – Defer the approval until adequate Goal 10 findings can be made.

Staff Response – The Planning Commission does not approve the proposed zone change, but makes a recommendation to City Council. City Council is the decision-maker on zone change proposals. Staff has addressed the needed housing, buildable lands inventory, and affordability analysis asked for in the comment letter. The 2019 RHNA clearly identifies a need for multi-family housing in the City of West Linn across a range of income levels. The 2019 RHNA also clearly identifies the lack of buildable land that allows for the construction of multi-family units. Recommending this zone change addresses identified need and increases the amount of multi-family residential land for development. Staff maintains its recommendation for the Planning Commission to recommend approval and move the zone change to a decision before the City Council.



October 21, 2020

City of West Linn Planning Commission
22500 Salamo Rd.
West Linn, OR 97068

Re: Comprehensive Plan Map Amendment and associated Zoning Map Amendment at 1791 Blankenship Road (ZC-20-01)

Dear Planning Commission Members:

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 indicated on 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 local file number ZC-20-01 recommends its approval. This recommendation is contingent on the Goal 10 findings contained within the report, stating that since "there will be more housing opportunities for a wider variety of people at a greater range of income levels" it complies with Goal 10. However, the statement "more housing opportunities" does not inform concerned citizens what the housing needs of the City are, nor quantifies how the additional multifamily units will help alleviate that need. While some of this information is contained in separate sections of the staff report, a factual basis for Goal 10 findings must be either contained or referenced within the Goal 10 findings of the staff report. 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, since the purpose of the amendment is to provide additional units for the City, the City should reference its HNA in order to showcase a need for the amendment. Only with a complete analysis showing any gain in needed housing as dictated by the HNA and compared to the BLI, can the public understand whether the City is achieving its goals through local planning file number ZC-20-01.

HLA and FHCO urge the Commission to defer approval of local file number ZC-20-01 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 cursive script that reads "Louise Dix".

Louise Dix
AFFH Specialist
Fair Housing Council of Oregon

/s/ Jennifer Bragar
Jennifer Bragar
President
Housing Land Advocates

cc: Kevin Young (kevin.young@state.or.us)

Buildable Land Inventory Results

This section provides a summary of the residential buildable lands inventory (BLI) for the West Linn city limits. This buildable land inventory analysis complies with statewide planning Goal 10 policies that govern planning for residential uses. This section presents a summary of vacant and partially vacant land in West Linn that excludes land with constraints that limit or prohibit development such as slopes over 25% or floodplains. **The full results of the Buildable Land Inventory and the methodology are presented in detail in Appendix A.**²¹²

Exhibit 390 shows that West Linn has 84 acres of residentially zoned land and nine acres of vacant commercially zoned land (where housing is an outright permitted use). About 30% of West Linn’s unconstrained buildable residential land is vacant and 70% are in tax lots classified as partially vacant. About 82% of West Linn’s unconstrained buildable residential land is in the Low-Density Residential Plan Designation.

Exhibit 390. Unconstrained buildable acres in vacant and partially vacant tax lots by Plan Designation, West Linn city limits, 2019

Source: ECONorthwest Note: The numbers in the table may not sum to the total as a result of rounding.

Generalized Plan Designation	Total buildable acres	Buildable acres on vacant lots	Buildable acres on partially vacant lots
Residential			
Low Density Residential	77	18	60
Medium Density Residential	3	1	2
Medium-High Density Residential	4	0	4
Commercial			
Commercial	9	9	0
Total	94	28	66

²¹² Appendix A of the Clackamas County Housing Needs Analysis provides an overview of the structure of the buildable land (supply) analysis based on the DLCD HB 2709 workbook “Planning for Residential Growth – A Workbook for Oregon’s Urban Areas,” which specifically addresses residential lands. Appendix A also discusses the buildable lands inventory methods and definitions, consistent with Goal 10/OAR 660-008.

Exhibit 391 shows buildable acres by size of parcels (e.g., acres in tax lots after constraints are deducted) for vacant and partially vacant land by Plan Designation. Of West Linn’s 94 unconstrained buildable residential acres, about 57% are in tax lots larger than one acre.

Exhibit 391. Buildable acres, by size of parcel, in vacant and partially vacant tax lots by Plan Designation, West Linn city limits, 2019

Source: ECONorthwest Note: The numbers in the table may not sum to the total as a result of rounding.

Plan Designation	Buildable Acres			Total
	Tax Lots Smaller than 0.38 acre	Tax Lots ≥ 0.38 and ≤ 1.0 acre	Tax Lots larger than 1.0 acre	
Residential				
Low Density Residential	11	26	41	77
Medium Density Residential	2	1	0	3
Medium-High Density Residential	0	0	3	4
Commercial				
Commercial	0	0	9	9
Total	14	27	53	94

Exhibit 392 shows the results of West Linn’s buildable lands inventory. The inventory show lands with and without constraints (such as floodplains). Vacant land without constraints is considered buildable. While vacant land with constraints is not considered buildable in the HNA, cities may allow development to occur in constrained areas, such as floodplains. West Linn has approved development (that is not yet been built) on some land shown in Exhibit 392 as constrained.

Exhibit 396. Allocation of housing by housing type and plan designation, West Linn city limits, 2019 to 2039

Source: ECONorthwest.

Plan Designations	Residential Plan Designations			Total
	Low Density	Medium Density	Medium High Density	
Dwelling Units				
Single-family detached	403	70	25	498
Single-family attached	20	150	80	250
Multifamily	-	-	250	250
Total	423	220	355	998
Percent of Units				
Single-family detached	40%	7%	3%	50%
Single-family attached	2%	15%	8%	25%
Multifamily	0%	0%	25%	25%
Total	42%	22%	36%	100%

Exhibit 340 shows an estimate of baseline densities for future development. If the City conducts a full HNA, the City may need to evaluate assumptions about future densities to determine whether the City is meeting the requirements of OAR 660-007 to provide opportunity.

Exhibit 340 also converts between net acres and gross acres²²⁴ to account for land needed for rights-of-way by plan designation in West Linn, based on Metro’s methodology of existing rights-of-way.²²⁵

- **Low Density Residential:** Average density in this Plan Designation was historically 4.1 dwelling units per gross acre in tax lots smaller than 0.38 acres and no land is needed for rights-of-ways based on Metro’s assumptions. For lots between 0.38 and 1.0 acres the future density will be 3.7 dwelling units per gross acre and for lots larger than 1.0 acres the future density will be 3.3 dwelling units per gross acre.

²²⁴ OAR 660-024-0010(6) uses the following definition of net buildable acre. “Net Buildable Acre” “...consists of 43,560 square feet of residentially designated buildable land after excluding future rights-of-way for streets and roads.” While the administrative rule does not include a definition of a gross buildable acre, using the definition above, a gross buildable acre will include areas used for rights-of-way for streets and roads. Areas used for rights-of-way are considered unbuildable.

²²⁵ Metro’s methodology about net-to-gross assumptions are that: (1) tax lots under 3/8 acre assume 0% set aside for future streets; (2) tax lots between 3/8 acre and 1 acre assume a 10% set aside for future streets; and (3) tax lots greater than an acre assumes an 18.5% set aside for future streets. The analysis assumes an 18.5% assumption for future streets.

Housing Need by Income Level

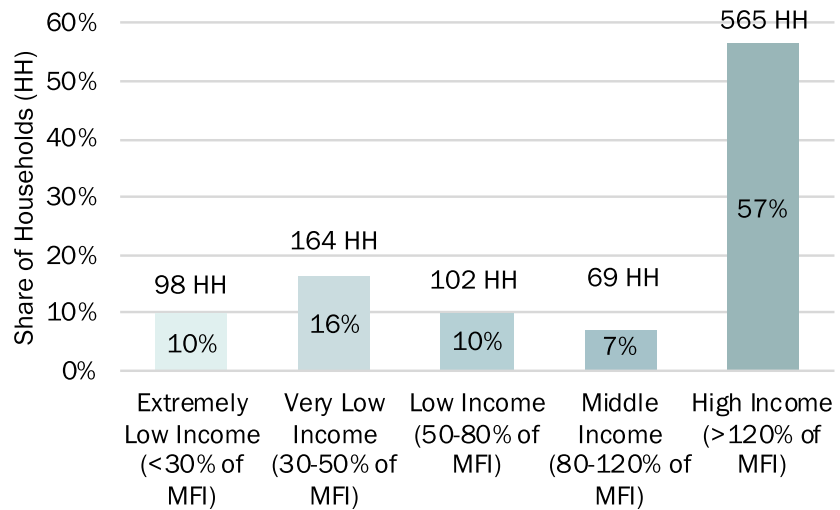
The next step in the housing needs analysis is to develop an estimate of need for housing by income and housing type. This analysis requires an estimate of the income distribution of current and future households in the community. Estimates presented in this section are based on (1) secondary data from the Census, and (2) analysis by ECONorthwest.

The analysis in Exhibit 79 is based on American Community Survey data about income levels for existing households in West Linn. Income is categorized into market segments consistent with HUD income level categories, using Clackamas County’s 2018 Median Family Income (MFI) of \$81,400. Exhibit 79 is based on current household income distribution, assuming that approximately the same percentage of households will be in each market segment in the future.²²⁷

About 26% of West Linn’s future households will have income below 50% of Clackamas County’s median family income (less than \$40,700 in 2016 dollars) and about 17% will have incomes between 50% and 120% of the county’s MFI (between \$40,700 and \$97,680).

Exhibit 398. Future (New) Households, by Median Family Income (MFI) for Clackamas County (\$81,400), West Linn, 2019 to 2039

Source: U.S. Department of Housing and Urban Development. U.S. Census Bureau, 2012-2016 ACS Table 19001.



²²⁷ For example, 57% of West Linn’s households had income above 120% of the Clackamas County Median Family Income in 2012-2016. This analysis assumes that 57% of the 998 new households that grow in West Linn over the 2019-2039 analysis period will have incomes over 120% of the Clackamas County Median Family Income.