



March 20, 2017

City of Albany Planning Commission
333 Broadalbin St SW
Albany, OR 97321

Re: CP-01-17: Comprehensive Plan Map Amendment from Light Industrial (LI) to Medium Density Residential (MDR), concurrent with Zoning Map Amendment from Industrial Park (IP) to Residential Single-Family (RS-5).

Dear Albany Planning Commission:

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 Comprehensive Plan Map and Zoning Map must comply with the Statewide Planning Goals. ORS 197.175(2)(a). While the staff report for this proposal does reference the proposal's impact on the City's Statewide Planning Goal 10 (Goal 10) obligations, it does not make a proper recommendation to the Planning Commission because it recommends adding land to RS-5 (single-family) despite the City's own analysis projecting an excess of RS-5 land and a projected deficit of RM-3 and RM-5 land (multi-family).

Further, Attachment A to the staff report shows nearby RM-zoned property, so a claim that RS-5 is the only residential zone that is consistent and compatible with surrounding land uses is unsupported. Moreover, the projected land needs identified in Attachment B.11 to the staff report at Table 5.9, show that rezoning the entire site to RM-5 would provide almost 34% of the entire shortfall of land for the RM-5 zone. We believe the findings are inadequate to support a rezone to RS-5.

HLA and FHCO appreciate that this change would allow for an increase in land zoned for residential use. HLA and FHCO also appreciate that the City conducted a complete Goal 10 analysis by referencing its Housing Needs Analysis (HNA) and Buildable Lands Inventory (BLI). However, when a decision is made affecting the residential land supply, the City must provide an adequate number of needed housing units (both housing type and affordability level) as demonstrated by the HNA and BLI.



Even when a proposal adds housing units, the City must show that it is adding needed residential zones (e.g. RS-5 vs. RM-5). The City must demonstrate that its actions do not leave it 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 County 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). In this case, the HNA and BLI incorporated into the staff report show that the proposal favors an increase in RS-5 zoned land, of which there is an excess, over RM-3 or RM-5 zones, of which there is a deficit. Therefore, the proposal does not comply with the City's Goal 10 obligation of providing the types of housing needed by its residents.

HLA and FHCO urge the Commission to defer adoption of the proposed amendment until the proposal is amended to increase RM-3 or RM-5 zoned land instead of RS-5 zoned land. 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

A handwritten signature in cursive script that reads "Jennifer Bragar".

Jennifer Bragar
President
Housing Land Advocates

cc: Gordon Howard (gordon.howard@state.or.us)