October 4, 2016

City of Happy Valley
16000 SE Misty Drive
Happy Valley, OR 97086

Re: Comprehensive Plan and Zoning Map Amendment, Local File Number CPA-09-16:
Amend the Comprehensive Plan Map to remove 40.00 acres from Rock Creek
Comp Plan and add the 40.00 acres to the East Happy Valley Comp Plan.

Dear Happy Valley City Council:

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 concerns relate to a jurisdiction’s obligation to affirmatively further fair housing. Please include these comments in the record for the above-referenced proposed amendment.

HLA and FHCO have the same concerns at this time as were addressed in our letter on this item to the Happy Valley Planning Commission dated September 13, 2016 (Exhibit A). The staff report does not adequately analyze the impact of the proposal on the City’s obligations under Statewide Planning Goal 10 (Housing).

HLA and FHCO urge the Council to defer adoption of the proposed amendment until its impact on the City’s Goal 10 obligations is fully and adequately analyzed and documented. 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, 11th Floor, Portland, OR 97204.

Sincerely,

Louise Dix
AFFH Specialist
Fair Housing Council of Oregon

Jennifer Bragar
President
Housing Land Advocates

cc. Gordon Howard, DLCD

1221 SW Yamhill Street, Portland, Oregon 97205
September 13, 2016

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The proposed revisions to the City's comprehensive plan must be in compliance with the Statewide Planning Goals. ORS 197.175(2)(a). However, the staff report for the proposed revisions contains no mention of Goal 10, when all relevant goals must be considered. Goal 10 is relevant here because the proposed change may affect the quantity and types of housing available because it changes 40 acres of land from "Hillside Residential" to a combination of "Single Family Attached," "R7," and "Community Commercial Center." Compare Exhibit Five with Exhibit Two. Goal 10 requires the City to inventory buildable lands for residential use and requires the City to use this inventory to show that an adequate number of needed housing units can be supported under the proposal.

The staff report does not adequately analyze the proposal's impact on the City's Goal 10 obligations because it does not address how the land at issue may contribute to meeting the Goal 10 obligations of the City (e.g. by maintaining the current zoning or by zoning for higher density residential use) and it does not address whether the County's Goal 10 obligations would be

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Exhibit A
negatively impacted by the proposed amendment. The City must demonstrate that its actions do not leave it with less than adequate supplies in the types, locations, and affordability ranges affected. 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).

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