



July 26, 2016

City of Portland Planning and Sustainability Commission
1900 SW 4th Ave, Suite 7100
Portland, OR 97201

Re: Comprehensive Plan Amendment, DLCD File 007-16: The Miscellaneous Zoning Project, allowing nurseries as conditional uses in residential zones and eliminating the requirement to address “no-net-loss” housing for quasi-judicial comprehensive plan amendments and zoning map changes.

Dear Planning and Sustainability 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 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.

Allowing nurseries as a conditional use in residential zones and deleting the “no-net-loss” of housing policies from the comprehensive plan may affect the City’s housing supply. Therefore, the staff report for this proposal must address the potential impacts of the proposed changes on the City of Portland’s obligations to comply with Statewide Planning Goal 10 (Goal 10) – the staff report does not address Goal 10. Goal 10 requires the City to inventory buildable lands for residential use and to use this inventory to show that an adequate number of needed housing units can be supported with the proposed change to the comprehensive plan.

The staff report needs to address how these two proposed changes may impact the availability of “adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.” See *Statewide Planning Goal 10*, OAR 660-015-0000(10). The City must demonstrate that its actions do not leave it with less than adequate residential land

1221 SW Yamhill Street, Portland, Oregon 97205



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).

HLA and FHCO urge the Commission 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,

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

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