



July 28, 2020

City of Florence Planning Commission
Florence City Hall
250 Highway 101
Florence, OR 97439

Re: Increase building heights in Commercial, Highway, Professional Office and North Commercial Districts to be consistent with December 2019 changes to residential standards. Add missing middle housing (duplex, duets, tri & four-plexes to Commercial and Highway Districts) (PC 20 20 TA 02 & CC 20 05 TA 02)

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.

We are encouraged to see the City proactively including housing options in its mixed use zones. Nonetheless, we are obligated to raise the following in relation to Goal 10. As you know, and as reflected in 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 the proposed updates to the commercial and mixed-use zoning districts of Title 10 of Florence City Code recommends its approval. This recommendation is contingent on the Goal 10 findings, stating that since "additional forms of housing including duplexes, duets, triplexes, and quadplexes in appropriate commercial zones" will be allowed, the changes comply



with Goal 10. However, an increase in housing development opportunities does not result in automatic Goal 10 compliance. For example, how many potential units could be provided by this code amendment? What affordability level would these units serve? 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, because the proposed amendments have the potential to impact the addition of future housing units to the City, the City should reference its HNA and BLI to illustrate its expected growth, and showcase its current ability to provide for the housing needs of its citizens. Only with a complete analysis showing the City's status and plans to provide needed housing as dictated by the HNA, and compared to the BLI, can the public understand whether the City is achieving its goals through the proposed updates to Title 10.

HLA and FHCO urge the Planning Commission to defer approval of PC 20 20 TA 02 & CC 20 05 TA 02 until adequate 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 black ink 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)