

From: [Steven Hultberg](#)
To: [Pauline Hardie](#)
Cc: [Jon Skidmore](#); [Sally Russell](#); [Mary Winters](#)
Subject: RE: Bend Development Code Amendments
Date: Friday, September 25, 2020 9:28:23 AM
Attachments: [image007.png](#)
[image008.png](#)

Hi Pauline,

Thank you for sending the city's proposed changes to the public notice, comment period, notice distance and land use posting requirements. Please accept my comments, which are sent on my own behalf, and not on behalf of any of my clients.

The first question that I would ask is "What problems are we trying to address?" Having worked in the land use field in Bend for almost 15 years, it is hard to believe that there is a deficit of public involvement in the land use process. Similarly, I work in jurisdictions throughout the state which adhere to the statutory requirements and there is no lack of citizen involvement in those jurisdictions either. Bend has 13 neighborhood associations, as well as the Neighborhood Leadership Alliance. These groups have the ability to notify and engage their members if there are issues of concern. We should not be further extending the development review and notification process. Overall, I believe that the new standards are not necessary, overly burdensome and, in some cases, entirely unworkable.

Public Notice to 21 Days: There is no requirement for a public meeting under state law. The development review process is already lengthy, and adding an additional week to the process is simply unnecessary. The proposed 21-day period exceeds the notice provision for evidentiary land use decisions and is a full week longer than the 14-day limited land use notice period. There is simply no justification to provide 21 days' notice for a neighborhood meeting.

Type II Public Comment: If nearly every other jurisdiction in the state uses 14 days, why are we adding two additional days to the process? What will two days accomplish? As you likely know, in most instances people wait until the last moment to submit comments. This isn't due to a short time window—people simply file comments on the last day. Whether the period is 10 days, 14 days or 30 days, comments will be filed late in the process. Two weeks is more than sufficient to file comments to a Type II application. Moreover, as a Type II decision, if a party is unhappy with the decision, they can always appeal. Lastly, the Neighborhood Leadership Alliance (as opposed to its constituent neighborhood associations) could seek to be notified of all land use proposals and notify their members and citizens.

500 Foot Notice: Again, if state law requires 100 feet, why are we considering increasing the statutory distance by 400%? In addition to property owners, notice goes to a variety of parties, most importantly neighborhood associations. If there is an issue of concern, neighborhood associations or the NLA can get the word out. Has the city done any analysis of the additional costs involved in sending out notice to additional people? What other jurisdictions use the 500-foot distance? Again, if the NLA has significant concerns regarding notice, they can take the initiative and notify all of their members of the proposal.

Land Use Notice Sign Legible from ROW: So now we want drivers to slow down and read land use signs while they're driving? This makes no sense whatsoever. This will inevitably lead to people arguing over what is legible and what is not legible. Were the letters big enough? Was the person's writing poor? Was it legible from the far lane or only the near lane? What about legibility on a 4 lane road? Was it legible at 20 mph but not 35 mph? Please, reconsider this change.

Thank you for consideration of my comments.

Regards,

Steve

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From: Pauline Hardie <phardie@bendoregon.gov>

Sent: Thursday, September 24, 2020 4:07 PM

To: Pauline Hardie <phardie@bendoregon.gov>

Subject: Bend Development Code Amendments

Good Afternoon,

The Neighborhood Leadership Alliance (NLA) has been working with staff on potential amendments to the Bend Development Code (BDC) that relate to the current notification and public comment processes for Type II and III development applications. The City Council reviewed the amendments during a work session on September 16, 2020, and directed staff to start processing the amendments to the BDC. As part of the process, the City is interested in your feedback regarding the attached amendments. I would appreciate any comments by October 9, 2020.

Thank you,



CITY OF BEND

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