



October 7, 2020

Pauline Hardie  
City of Bend  
710 NW Wall Street  
Bend, OR 97703

Pauline,

Thank you for the opportunity to comment on the City's proposed changes to the public noticing and comment requirements in Bend Development Code (BDC) Chapter 4.1. AKS Engineering & Forestry consults on land use planning for both public and private sector clients across the state, and these comments are sent on my own behalf, and not on behalf of any of our clients.

The proposed amendments would apply, generally, to quasi-judicial land use and limited land use applications. A significant portion of these applications involve housing, including needed housing, a matter of great concern here in Bend and across the state. Looking at both qualitative and quantitative data, most people can no longer ignore that we are facing a housing crisis. ORS 197.307(4) states that a local government may apply only clear and objective standards, conditions, and procedures regulating the provision of housing, and that such standards, conditions, and procedures cannot have the effect, either in themselves or cumulatively, of discouraging housing through unreasonable cost or delay.

Increasing noticing requirements and extending notice and comment periods will increase costs and the time it takes to secure land use approvals. Especially for housing applications subject to ORS 197.307(4), I believe this creates a problem that runs contrary to City Council goals. In fact, for housing applications subject to ORS 197.307(4), there is a strong argument to amend the BDC to meet but not exceed statutory notice requirements and comment periods in order to reduce costs and delay.

Soliciting extensive public comment on applications subject only to clear and objective decision criteria (i.e. does the project meet density, lot standards, setbacks, etc.?) also results in mismanaged expectations for neighbors and other members of the public. Even under the existing BDC, a significant portion of the public comments on needed housing applications I have worked on lean heavily on argumentation surrounding neighborhood character, livability, and other subjective, value-laden terminology that mean very different things to different people. While neighbors are often passionate about these issues, and rightfully so, they cannot drive decisions on needed housing, and are more relevant to broader legislative processes.

If the City and the Neighborhood Leadership Alliance (NLA) wish to make public involvement more accessible, relevant, and productive, rather than place the burden entirely on applicants, I would encourage consideration of new approaches and platforms. For example, in April we held a neighborhood public meeting for the Easton Master Plan. Due to social distancing measures and the inability to meet in person, we held the meeting via telephone and online

Zoom webinar. The required 500-foot notification radius resulted in us sending notice to owners of ±146 surrounding properties with detailed instructions for how to participate. We had at least 63 people call in or log on to our meeting. This is – by far – the highest response rate for any project I have worked on across the state, and I believe these types of digital platforms can boost participation and increase accessibility by allowing folks to participate who would not otherwise.

In conclusion, I have not observed that increased public notice periods, lengthier comment periods, wider mailings, and notice posted on the subject property actually achieve more accessible or productive public involvement. While the intention is good, these amendments appear to be a solution in search of a problem, and will increase costs and delay projects, including for needed housing.

Thank you in advance for your consideration.

Sincerely,

**AKS ENGINEERING & FORESTRY, LLC**



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