

May 26, 2022

RE: Comments to be inserted in the City Council's packet for the public hearing on June 6, 2022, RE: BMC Chapters 16 and 17.

From: Sheryl Bremmer Citizen and Resident of Bandon, Oregon

The following questions and/or statements about the proposed "Code Clean-up" are:

1. Who is the City Council's approved Planning Director? Since this title is referred to many times in BMC Chapter 16, and is given a considerable amount of authority throughout the Chapter, when was this job/title filled? If, as several letterheads from the Planning Director throughout 2021 to present show and are signed with Dan Chandler's name, is it correct to believe that Chandler is the Planning Director and the City Manager? Since the City Manager's job is essentially political and the Planning Director's job is apolitical, isn't one person doing both jobs a conflict of interest?
2. Why is this project called a "Code Clean-up" when it is really a rewriting of the entire code relevant to land use and planning? This is misleading. The changes are rife with opinions of what the Oregon legislature might be thinking; these are merely the opinions of the Planning Director. If this is not the case, defend these opinions openly.
3. The proposed changes to BMC Chapter 17 indicate that the entirety of Chapter 17 was only a draft and also indicate that the draft was premature. Therefore, are contradictions to the "draft" zoning changes, which would be the before 2021 Chapter 17 codes, need to be revisited and perhaps decisions revised to apply to the version of Chapter 17 that was lawfully in effect?
4. What is the background leading up to this public hearing at this time?
5. It appears that there is an attempt to clarify the CD1 "view line", but it remains a subjective opinion. The BMC should be impartial, clear, not subjective.

6. If ADUs don't need additional parking was the impact of additional street parking discussed at length? When? Where can we find the minutes of that discussion, if there was one?
7. Your entire section of Chapter 16 about reviews and appeals is unclear. The Table on page 3 seems to be clear, however, when thoroughly scrutinized, it doesn't maintain clarity. For instance, A type 1 review is an administrative issue that was previously appealed to the Planning Commission. Why is the appellate body now the Circuit Court? Who is the hearings officer? If the hearings officer is not a member of the Planning Commission, what is the rationale for that, stated clearly? If the hearings officer is the Planning Director, and the hearings officer is the appellate body to hear an administrative appeal made by the Planning Director, there is an obvious conflict of interest here.
8. The code changes offered here need a review that looks at the items that would expedite understanding of the code now in effect, items that overlap between Chapters 16 and 17, and sometimes Chapters 2 and 12, and consideration of contradictions. For instance, the city appears to be focused on "affordable housing", yet the city also keeps adding VRDs that are businesses that take housing stock out of the affordable slot. Also, much of the new development is not truly "affordable housing." This is counter productive.
9. What is the rationale behind the change of land density construction from 80% to 90%? The Comprehensive Plan is antiquated and in need of some "clean-up" It is risible to use it as the basis for a considerable change. What is the real rationale?
10. Where did you put the height restrictions?
11. What is the rationale behind giving the Planning Director authority that was contained in the Planning Commission? Examples are in the appellate chart on page 3 of Chapter 16. In the distant past, the hearings officer was the chair of the Planning Commission, like the chair is the officer in charge of hearings before the planning commission. Also, in an associated point, the hearings officer's hearings were public hearings that could be referred to the entire Planning Commission either by the hearings officer or by appeal.

12. Consider, please, the problem that exists now that several single family houses have been or are in the process of being built under the code requirements that were changed without proper procedure before these proposed changes were properly presented to the Planning Commission and now, the City Council. Since the changes that occurred between the former BMC Ch. 16 and 17, in effect before 2020, and now, did not adhere to proper procedure, as stated above, where does that leave the construction of the houses constructed or being constructed under that code? How do you plan on working out the problems that may arise because of this.
13. Clear and objective standards for all planning decisions are required by the State of Oregon, but objectivity can be lost if all of the power to decide rests in one individual. Please consider retuning more power to the Planning Commission.

Thank you for reading my comments. I will look forward to seeing the results of your discussions.

Sheryl Bremmer