

Dear Commissioners —

I appreciated the careful attention you all gave to the rulemaking hearing this week. I think you grasp the concerns that local government officials have with the proposed rules, and my own comments have not changed very much. I still have two specific concerns and one more general concern about how the draft rules are evaluated.

-1- Many of the RAC members' concerns focused on setback standards. Most of the concerns were about public safety and adequate access for police, fire and ambulance. I have three additional concerns about the proposed setbacks.

(A) Another safety issue: Housing that's too close to the street limits visibility of traffic on the street for people backing out of a driveway.

(B) Neighborhood/aesthetic incompatibility: If current homes are set back 15-20 feet from the street, having a model home next door that's only five feet from the street will not only impair visibility but also generate resentment about "spoiling the neighborhood." Some of that is a typical response to new zoning and development styles, and a fair answer to much of that is "Tough!" I know the Middle Housing Rules may also produce the same reaction; the question is, How much do we gain from the developments authorized by the new rules? I think a state-mandated setback for model homes of "not more than 75% of the standard setback" would work. (One commenter also raised the concern that the rules might create a nonconforming use that would make the property harder to sell; I'm not qualified to opine on that.)

(D) [I'd use a C, but the program I'm using insists on translating it to a copyright symbol!]. Perhaps my greatest concern about the draft setback rules: What constitutes the "street" or "public way" or right-of-way to which the setback standards would apply varies greatly among cities and even within a city, depending on the terms accompanying the original dedication. That varies over a century or more of urban development and what uses were anticipated for the street. So, having a state-mandated standard will have quite different results in different cities and neighborhoods.

-2- The cottage cluster rules need attention.

(A) They're way too detailed, and that will make developers more reluctant to build them. I'm not sure the _requirements_ are too strict, but they (and the options) are very complex. That's especially true for the recreation areas & facilities.

(B) I think the proposed average size is far, far too large. Just two real cottages of 800 sq ft would allow a full-sized house. I don't think that's what people will want, and having one or two large and far more expensive houses would change the feel of the cluster for the worse.

-3- I hope that staff and commissioners are able to avoid a single-focus evaluation of the draft rules. In other words, including a standard (like deferring or partially deferring to local setbacks) may slightly reduce the number of housing units that will result, but that should not automatically lead to whatever would maximize the number of units.

Finally, I think the Commission should give itself an opportunity to revisit these rules once BCD produces the model home designs. It's been very difficult to envision placement on a lot or parcel without knowing more about what will be put on the lot.

Thank you for your hard work and thoughtful consideration of the draft rules.

Jerry Lidz (RAC member and former LCDC commissioner)