

Aaron Henson

From: Tobias, Jay <jay@katahdinfg.com>
Sent: Monday, March 8, 2021 9:49 AM
To: Aaron Henson
Subject: Marken Summit Development - Variances Requests*

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Aaron Henson,

RE: Marken Summit Development - Variances Requests*
Project Number: PLVAR202110052 (Lot 12)

I **do not** agree that a height variance should be permitted for the property in question for the following two reasons. Please reference the planning and administration review PZ-19-0683 dated Feb 14, 2020 for some of the section references below.

1. The proposed design doesn't meet the intent of the building height restriction and an additional increase in height only exacerbates the incompatibility with the surrounding neighborhood. Per section 2.1.800 building heights of the administration review, it is clearly stated that the buildings on this development would be required to meet the height restrictions of an RS zone. Building height per the Bend Development code states, "building height standards are intended to promote land use compatibility and support the principle of neighborhood-scaled design". The applicant's response to item "d" (page 4 of the narrative and burden of proof) in summary, states that the home will "relate harmoniously" to the existing development. The proposed home is not of a scale or height (3-story main facade) that is compatible with the existing surrounding neighborhoods. The vast majority of homes in the neighborhoods around this development do not have the appearance of a 3-story front elevation like what is depicted in the applicant's elevations. The applicant also states that the home will have variation, but the builder appears to be providing the same design with only minor variation on multiple lots in development. Most homes in the surrounding neighborhoods exhibit greater design variation between adjacent homes. This is particularly true in the Marken Heights, Valhalla Heights, and Awbrey View, and to a certain extent Awbrey Ridge. The majority of homes in the neighborhood are 1 or 2 story on the front elevation and tend to be craftsman style, rustic, or more modern like the homes on Nordeen Way. The proposed design doesn't meet the intent of the building height restriction and an additional increase in height only exacerbates the incompatibility with the surrounding neighborhood.

2. While the applicant states that the home should be granted an exception "due to the significant grade change between the front and rear" the Bend development code directly addresses parcel design for steep sites:

"in **3.1.200 Lot, Parcel and Block Design,**

2. On steep slopes, increased lot or parcel sizes may be required to avoid excessive cuts, fills and steep driveways.
3. On tracts containing watercourses or rock outcroppings, increased lot or parcel sizes may be required to allow adequate room for development and protection of the topographic or natural feature."

Granting an exception to this property sets a bad precedent for the remainder of parcels 1-17 that will defeat the purpose of the building height code requirement. This is in fact proven by the numerous requests currently on the City Permit Center. **The reasoning that the site poses a challenge due to the topography is something that should have been addressed with the development's parcel creation to minimize the steep sites and meet the requirements of Section 3.1.200 of the Development Code.** Steep slope definition in BDC Chapter 1.2, "means any slope equal to or greater than 12 percent as measured over any minimum run of 10 feet, perpendicular to the contour of the slope, based on contour intervals of two feet or less." The FINDING (3.1.200-2) listed in the PZ-19-0683, misrepresented, that "the

subject property does not contain steep slopes as defined in BDC Chapter 1.2, and increased lot or parcel sizes are not required to avoid excessive cuts, fills, or steep driveways”. **Nearly half of the existing property clearly was on a steep slope site and excessive cuts and fills were required to develop the property.** The P02 - EXISTING CONDITIONS AND DEMOLITION PLAN dated 9/17/2019 clearly shows large areas to the north of the existing home that is largely over 12% slope (roughly proposed lots 1-17). In addition, the property also contained rock outcroppings that had to be blasted and the rocks crushed in order to develop the site which contradicts the development code requirement to design parcels to protect the topographic and natural features of the site. The proposed grading of the overall development now includes properties that have slopes that meet the definition of steep slopes, with portions of the new grades being 50% (well above the 12% threshold for a steep slope). **The developer should be required to design a home to meet the requirements of the code and work with the parcels they designed themselves, regardless of topographic challenges they created for themselves.**

In addition, the planning and administration review PZ-19-0683 granted an exception to remove hundreds of significant trees (contrary to the development site description which misrepresented that the site only includes “dozens of Ponderosa and Juniper trees”). This was a substantial variance to the development code that was granted which substantially altered the landscape and compatibility with the existing neighborhood. As already stated above, other exceptions and apparent variances have already been granted to this development. **Further variances establish bad precedent that defeat the intent of the building and development code.** While there is an established procedure for asking for a variance, I don’t feel this application for additional height provides substantial argument to avoid the code restrictions. The applicant could simply design with one less story, or adjust the roof design or overall design to meet the building height requirements. In fact, all these issues highlight a larger issue on how this development was approved in the first place to allow development on such a steep and tree covered property.

Sincerely,
Jay Tobias
2652 NW Nordeen Way
Bend, OR 97703



Jay S. Tobias
President, Katahdin Financial Group

Address: [1000 NW Wall St., Suite 201, Bend, OR 97703](#)
Office: [\(541\) 668-6615](#) | **Direct:** [\(541\) 668-6609](#)
Fax: [\(541\) 668-6619](#)
Email: Jay@KatahdinFG.com
Web: KatahdinFinancialGroup.com

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