

Aaron Henson

From: Laura Irene <lchance@bendbroadband.com>
Sent: Wednesday, March 3, 2021 9:14 PM
To: Aaron Henson; Michelle Patrick; Bobbie VanTassel
Subject: Variance: PLVAR20210050, PLVAR20210051, PLVAR20210052, PLVAR20210054, PLVAR20210055, PLVAR20210053

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Dear

Michelle Patrick, mpatrick@bendoregon.gov

Bobbie Van Tassel, mvantassel@bendoregon.gov

Aaron Henson, ahenson@bendoregon.gov

RE: Marken Summit Development-Variance Request

Project Numbers:

PLVAR20210050, PLVAR20210051,

PLVAR20210053, PLVAR20210055

PLVAR20210054, PLVAR20210052

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

1. The proposed design does not 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. The proposed homes are not of scale or height (they are tall and narrow). The majority of homes in the neighborhoods around this development do not have the appearance of a 3 story house front elevation or farmhouse aesthetic like what is depicted in the applicant's elevations. The applicant also states the homes will have variation, but the builder appears to be providing the same design with only minor variation on multiple lots in the development. Most home in the surrounding neighborhoods show greater design variation between adjacent homes. This is true for Marken Heights, Valhalla Heights, and Awbrey View, and to a certain extent Awbrey Ridge. The majority of homes in the neighborhood are 1-2 story on the front elevation and tend to be craftsman style, rustic or more

modern like the homes on Nordeen Way. The applicant states a change to the roof would result in “flat, nonarticulated roof, which would result in an unattractive building design and be inconsistent with the architectural vernacular of the surrounding neighborhoods. AGAIN, there are few, if any examples of “farmhouse” style homes in the existing neighborhoods surrounding this development, so the thought that farmhouse is the vernacular of the area is just not true. Homes on Nordeen, however, do show examples of flat roofs and low slope roofs that contradict the applicant’s argument for additional building height.

2. While the applicant states the homes 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 these properties an exception defeats the purpose of the building height code requirement. Obviously, looking at the number of requests currently on the city permit center, proves this point. 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 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 portion of the new grades being 50% (well above the 12% threshold for a steep slope). The developer should be required to design a homes 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 for 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 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.

Laura Chance

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