

Aaron Henson

From: Bryce Withers <brycewithers@gmail.com>
Sent: Wednesday, March 10, 2021 5:14 PM
To: Aaron Henson
Subject: PLVAR20210052 & PLVAR20210054 (Lot 12 &13)

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RE: Marken Summit Development - Variances Requests*

Project Number: PLVAR20210052 & PLVAR20210054 (Lot 12 &13 *and all other variance requests in the subdivision)

I do not agree with the Marken Summit Development building height variance requests. Allowing for an additional 3.5' above the code allowance of 30' will allow the developer to build 3 story homes throughout the neighborhood. The type of homes proposed for Lot 10 and others do not match what is found throughout the surrounding neighborhoods (farmhouse/ 3 story narrow design, minimal yard, maximized building footprint). Since the developer is requesting this variance for multiple properties in the subdivision, it appears that the intent was there all along. I believe it to be irresponsible for the developer to design the lot sizes with a variance in mind. I think that allowing the variances will set a negative precedent for this type of irresponsible development. Furthermore, the developer mischaracterized the site conditions prior to the subdivision, including slopes, rock outcroppings, and trees, all adjacent to neighborhood park. I was displeased with the amount of trees that were removed and the fill placed on the northerly slope and retaining wall that was built adjacent to the stairway leading to the park. These features are not only unsightly, but dangerous to both children and animals. In general, the developer likely is taking these measures in order to maximize the number of lots for the property, and now is trying to maximize the square footage of the buildings on each lot by taking advantage of the variance requests. I think this approach is wrong.

Please reference the planning and administration review PZ-19-0683 dated Feb 14, 2020 for some of the section references below.

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2. The
3. 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.
4. Per section 2.1.800 building heights of the administration review, it is clearly stated
5. 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
6. 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"
7. to the existing development. The proposed home is not of a scale or height (it is tall and narrow) that is compatible with the existing surrounding neighborhoods. The vast majority of homes in the neighborhoods around this development do not have the appearance
8. of a 3-story front elevation or **farmhouse aesthetic**
9. 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
10. 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
11. front elevation and tend to be craftsman style, rustic, or more modern like the homes on Nordeen Way.

12.

13. The applicant states that a change to the roof would result in “flat, nonarticulated roof, which
14. 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

15. “farmhouse” style

16. homes in the existing neighborhoods surrounding this development (Awbrey Ridge, Valhalla Heights,

17. Awbrey View, or Marken Heights), so the thought that farmhouse

18. is the vernacular of the area is misguided. Homes on Nordeen, however, show examples of flat

19. roofs, and low slope roofs that contradict the applicant's argument for additional building height.

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3. While the applicant states that

4. 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:

5. “in

6. **3.1.200 Lot, Parcel and Block Design,**

7.

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,

Bryce & Victoria Withers