

Applicant Response to Staff Report

Rehder RUE

Condition 2

- **The applicant has constructed a shed on the property, and this is currently under investigation with the Code Compliance division. It appears that the shed is approximately 200 square feet in size, does not encroach into zoning setbacks, and is within the required hard surface / structure setback from the standard wetland buffer, albeit in the area furthest from the wetland. The project is conditioned to limit total lot coverage to 1,200 square feet; therefore, the shed will likely be removed unless the proposed residence is modified to ensure total lot coverage does not exceed 1200 square feet (condition 2).**
- a. In regards to the code compliance issue. I began looking at this property in early 2018. One of the selling points in the listing was the previous owners had already gone through the land use process. I went to the city to confirm and was given documents including a Pre-application Conference Summary which stated the next step was to submit a building permit application. So I purchased the property in march 2018 believing I was into the process far enough to to construct an accessory structure. While constructing the shed I received a stop work order and was told I couldn't build an accessory structure without a primary structure. So I submitted plans and a building permit application to the city, only to be told I no longer had my land use squared away. Now I would have to get an RUE before submitting plans which includes sending the city all the documents they had already approved, which I got from them, for approval, again. Plus \$500 for another Pre-application conference plus \$3800 for RUE.
- b. I have a 206,910 sq ft lot. It's big for Bainbridge and huge for RUE's. RUE's are routinely granted for quarter acre lots and as small as 6,000 sq ft. It can't be considered unreasonable for a 4.75 acre lot to have a 1200 sq ft house and 200 sq ft shed when these tiny lots can cover huge percentages of their lots with a 1200 sq ft house while I'm below 1%. Regulations should consider lot size and allowable coverages instead of a blanket approach.
- c. In the code, accessory structures are defined as "incidental" to a primary structure, meaning liable to happen as a consequence of. A synonym for incidental is trivial. A 200 sq ft shed is equivalent to an extra car in the the driveway.
- d. Built on pads and beams, can see all the way under it
- e. Positioned in best location outside of wetland buffer with lowest possible impact.

Condition 3

As I understand it, RUE's don't have prescribed buffers, they allow you to build within a buffer. I've seen them approved for a building 5 feet from a wetland. They are different from buffer reductions. It is my plan to have a 50' buffer, but shouldn't be an extra condition, as condition 1 already states I must follow the plan.

Condition 4

It would be nice to be able to remove invasive species and trees from the homesite while I wait for building permits. This process has taken so long I would like to get going enough to be ready for dirt work when the dry months and building permits get here.

Condition 5

The site has been evaluated by two different septic companies who both dug test pits and deemed the soils acceptable for a drainfield

The site has already been evaluated by a wetland biologist who said the soils were good

The homesite has already been evaluated by a geotech engineer who also said the soils were good

Condition 14d

I think this was only asked because he believed the soils on the homesite were hydric, but it has been shown this is not the case. (as with the SEPA review)

The Geotech engineer already said standard foundation was fine for this site

Condition 14e

Is this different than condition 6?

Side notes:

If project is exempt from SEPA, why include SEPA public comments in report?

Wetland is not naturally occurring as stated in staff report. Wetland is a result of roads built on three sides of the property. The habitat management plan (created by the wetland biologist before the use of RUE's) states "There are many conifer tree snags in the wetland that died as a result of sudden flooding within the wetland. Many of the snags are former Douglas fir trees so it appears that at one time, portions of the wetland were probably upland that was suddenly flooded and killed the trees creating the snags."