

--- On Fri, 6/11/10, John & Mindy Manuel <jmmanuel7@yahoo.com> wrote:

From: John & Mindy Manuel <jmmanuel7@yahoo.com>
Subject: BH Lot 4 proposal
To: bkingman@ci.dupont.wa.us
Cc: "Bill McDonald" <BMcDonald@ci.dupont.wa.us>, "STEVE VICTOR" <STEVE@kenyondisend.com>, "Scott Hein" <shein@ci.dupont.wa.us>, "Bill Anderson" <BAnderson@ci.dupont.wa.us>, andynsons@yahoo.com
Date: Friday, June 11, 2010, 6:59 AM

Mr. Kingman,

In a letter dated April 13, the city denied an April 9 boundary line adjustment application proposal for our lot (below). The denial was based on DMC 25.105.070(1)(g); "The encroached area is a wetland buffer that was dedicated to the City as a sensitive area tract with development of the Bell Hill Replat. Sensitive area tracts are legally created tracts containing wetlands and their buffers that shall remain undeveloped in perpetuity. Sensitive area tracts are an integral part of the lot in which they are created, are not intended for sale, lease or transfer to any other than a public agency, and may not be subdivided."

In contrast to my quickly rejected proposal, the city is in the process of considering a Sensitive Area Application submitted by Centex on May 20 to reduce a steep slope buffer from 50 to 25 feet, and reduce a wetland buffer from 200 to 100 feet and an exemption from the sensitive area regulations to allow a sewer line through a steep slope and wetland buffer to facilitate construction of two single family homes on Bell Hill.

This raises several questions/issues:

1. Do the Centex lots fall under a different DMC than my lot?
2. If not, why was my proposal to purchase 400 sf of excavated land quickly denied on the basis of DMC while a proposal to develop thousands of square feet of untouched sensitive area forest is under consideration?
3. If the Centex sensitive area application is approved, will this will not establish a legal precedent for my lot and others?

I'm hopeful that the city will uphold the DMC standards in response to the Centex application/proposal. If the code is waived, I'm prepared to resubmit my application with the added benefit of precedent.

Thanks for any information/assistance you can offer.

John Manuel

9 APRIL PROPOSAL

This email is in response to the lot encroachment letter dated April 2. Attached is a proposal to the city IAW DMC 23.04.010 which seems to indicate that there is an appeal process that allows for a variance to the code with "written approval by the Mayor or designee." Included is a Boundary Line Adjustment Application, Plot Plan Proposal, and photos describing the issue.

I would sincerely appreciate your consideration of this proposal since the current irregular property line severely limits backyard options. My proposed solution is to purchase the small (475 sf) triangular excavated/leveled area from the city and incorporate it into Lot 4.

If this variance is not possible, please send me a digital copy of the letter so that I may forward to Centex. The excavated area mentioned in the letter was present when I visited the lot in June 2009 and will therefore be the builder's responsibility to restore.

Thank you,

John Manuel
2030 Nelson St
964-5799