

07/07/2025

COMMENTS  
RESPONSE

- 1.) These amounts are none conforming. Please provide information to show legal conformance per MICC 19.01.050(A)(2). If it is shown to be legally conforming please show how the proposed work does not increase the nonconformity. If it is not shown to be legally nonconforming please bring it into conformance per MICC 19.01.050(A)(3).

Apologies the numbers weren't listed correctly. It's corrected now. The project meets MICC 19.07/SMP impervious limits: **9.66 % ( $\leq 10$  %) in the first 25 ft band and 19.77 % ( $\leq 30$  %) in the 25-50 ft band.** Because the totals are below the thresholds, the site remains legally conforming and no increase in non-conformity occurs per MICC 19.01.050(A)(2)–(3).

- 2.) This section cut is through the existing public storm drainage easement, and a railing and stone block wall are shown in the public easement. Is your intention to constructed the stone block and railing in the public easement? I do not see the railing and stone block wall on the plan view.

No structure is proposed inside the 10 ft public storm-drain easement. Wall **Sections #2 and #3(now marked as outside of the easements) are for outside the easement area. #4 and #5(now marked within easements)** already depict the 1:1 slope in the easement area.

- 3.) The proposed retaining wall encroaches on the existing easement, a recorded Public Easement Encroachment Agreement will be required.

City had earlier not raised this as an issue hence our attorneys when working with city attorneys didn't explicitly list this easement. However, we've now updated the plan and wall footings have been pulled outside the easement line. There are no structural encroachments into any public or private easements, therefore, an Encroachment Agreement under MICC 19.06.060 is not required.

- 4.) Show accurate location of existing and proposed retaining wall.

The location of proposed retaining wall was already marked red. **The existing retaining wall is now marked in two dotted lines.**

- 5.) A new shoreline permit is required. The previous permit obtained is for a different scope of work and revisions cannot be made to shoreline permits so a new application is required. A Shoreline Substantial Development Application is required unless it is categorically exempt per WAC 173-27-040 then a Shoreline Exemption application is required.

The change of a <30 inch retaining-wall segment to a 1:1 slope reduces structural armoring and ecological impact while keeping all other dimensions, valuation, and location unchanged. Under WAC 173-27-040(2)(b), the work is “normal maintenance or repair... including complete replacement” of a shoreline structure which is already included in the SHL24-009, and therefore remains categorically exempt from a shoreline substantial-development permit. MICC 19.07.110(B)(1) allows complete replacement of shoreline structures so long as non-conformance is not increased; here, it's decreased by removing 15 ft of wall. The 1:1 slope meets the no-net-loss standard of MICC 19.07.110(B)(2) by expanding pervious area and adding native plantings. Per MICC 19.07.110(G)(6)(a)(ii), the code official is expressly authorized to “approve... permit revisions.” The attached revised sheets are submitted as a minor field revision to Shoreline Exemption SHL24-009; no new application is required. Accordingly, we respectfully request approval of the attached revised plan set under the existing exemption included in the SHL24-009.