

Jimmi Serfling

From: Gareth Reece
Sent: Wednesday, February 14, 2018 4:42 PM
To: 'shane_miller_usa@yahoo.com'; 'shanemillerus@gmail.com'
Cc: Jimmi Serfling; David Henderson; Evan Maxim; Don Cole; Alison VanGorp; 'Phil Haberman'
Subject: FW: Stop Work Order Posted - Follow-up re: 2/12 Courtesy Notice and 2/14 Onsite Meeting
Attachments: Stop Work close up.jpg

Good afternoon Shane,

Your point #4 below is not an accurate or complete representation of my statement on site. The I believe the section that you referenced is MICC 19.07.110.B.1:

Legal Nonconforming Uses and Structures May Continue. Overwater uses and structures, and uses and structures 25 feet landward from the OHWM, which were legally created may be maintained, repaired, renovated, remodeled and completely replaced to the extent that nonconformance with the standards and regulations of this section is not increased.

Title 19 of our City Code is the Unified Land Use Development Code, which is not generally my scope to review. You copied our Planning Manager, Evan Maxim, on your email who should be able to give you guidance on the land use implications of your project if you provide him with the scope of work.

My statement in response to your presenting MICC 19.07.110.B.1 was that regardless of any land use determination, you are subject to our City Code Title 17, which is Construction Codes. Section 17.14.105.1 of that document is the following:

105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the construction codes and the Construction Administrative Code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

There is a series of specific exceptions to this broad requirement in section 105.2. Your project as you described it in our meeting and as I later observed it on the property did not meet any of these sections. My determination based on the site visit is that you have at minimum performed unpermitted work to modify a Geologic Hazard Area. Properties under this designation have very specific additional requirements which you can find in MICC 19.07.060. The Stop Work Notice (which I've attached for reference) was posted correctly and refers to this. The Stop Work notice does allow you to install temporary erosion and stability control measures under the supervision of a geotech. Your geotech Phil Haberman with Cobalt Geosciences, who I've copied, oversaw this work and stated to me on site that the work you completed meets his requirements for temporary measures to control erosion and stabilize the site. This does not in any way resolve the unpermitted work which has occurred, or allow the removal of the Stop Work, but it does exhaust the work which was allowed to proceed under the Stop Work.

Please do no further work regulated by section 105.1 and proceed with the application for a building permit to resolve the Stop Work Notice.

Sincerely,

Gareth Reece
Senior Plans Examiner