

EX.1058-2

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Sent: Tuesday, October 12, 2021 12:57 PM

To: Alison Van Gorp <alison.vangorp@mercergov.org>; Holly Mercier <holly.mercier@mercergov.org>; Don Cole <Don.Cole@mercergov.org>

Subject: RE: Shane Miller Appeal/Voluntary Compliance Agreement

I looked at the building permit that was previously submitted (1912-047). The valuation is \$1,000.00 per the contract amount. The valuation threshold that triggers a Shoreline Substantial Development Permit is currently \$7,047.00. Based on the valuation, this can be reviewed as a Shoreline Exemption regardless of whether this is new construction or repair/maintenance/replacement of the previous timber wall.

From what I understand (please correct me if I am wrong, since I am not familiar with the details), the project does not include any in- or over-water work and involves a retaining wall in the upland portion of the property. Therefore, no state or federal permitting is required for the project. That simplifies the interrelationship between the Shoreline Exemption and the building permit. (If state or federal permits were required, we could approve the Exemption, but would have to wait for the applicant to provide the approved state or federal permits prior to issuing the building permit.)

The take away is that the Exemption and building permit can be reviewed and issued concurrently. For that reason, I recommend that the deadline for receiving the approved Exemption be December 31, 2021 to synch up with the building permit.

Finally, to confirm, because there is a building permit required for the retaining wall, a separate Critical Area Review is not required to authorize the work in the landslide hazard area, steep slope (if applicable) and erosion hazard area.

Let me know if I have missed something. Thanks.