

**Carol Lumb - SMP**

**From:** "John Deininger"  
**To:**  
**Date:** 08/28/2008 1:29 PM  
**Subject:** SMP  
**CC:** "CarolAnn Omack"

Dear Ms. Lumb:

Our client, Lily Pointe Investments, LLC, owns a light industrial facility at 6801 S. 180th St.(the "Property"). The Property is improved with structures and related surface parking, most or all of which is located within 200 feet of the Green River.

We have reviewed the City's draft Shoreline Master Program on Lily Pointe's behalf and have the following comments:

1. Nonconforming Development. Section 14.5 of the draft SMP states that nonconforming uses and structures within the jurisdiction of the SMP are governed by TCM 18.70. We request that TMC 18.70 be revised to clarify that nonconforming structures located within the 200 foot shoreline zone can be remodeled, reconstructed or replaced in the same way that such structures can be remodeled, reconstructed or replaced when located within a Sensitive Area Overlay.
2. Location of OHWM. The Property has recently been the site of a levee "layback" repair project under the authority of the Army Corps, the County and the City - a project that resulted in what amounts to a taking of an approximately 60 foot wide strip of our client's property along the river. The layback repair will result in a more gradually sloped, naturalistic shoreline than associated with the previous levee design. To the extent that the change in levee slope results in a landward shift of the OHWM for purposes of the Shoreline Master Program, we request that the width and/or regulatory effect of the shoreline buffer be reduced accordingly. As a model for this request, we refer to Section 13.2 of the draft Shoreline Master Program.
3. Extension of Review Period. We hereby request an extension of the review period for the draft Shoreline Master Program, to permit my client adequate time to review the details of the proposed new Program.

Thank you for your consideration of these comments.

Sincerely,

Laura Whitaker  
Whitaker, Laura (Perkins Coie) <LWhitaker@perkinscoie.com>

EXHIBIT 9 DATE 8/28/08  
 PROJECT NAME SMP Update  
 FILE NO L06-088