

EX.1076 1/5

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STATE OF WASHINGTON
COUNTY OF KING

In re:

SHANE MILLER,
Appellant

vs.

CITY OF MERCER ISLAND,
Respondent

CASE: APL 19-002

AFFIDAVIT OF

GEORGE LEWIS

My name is George Lewis. I am over the age of eighteen. I make the following Affidavit based on personal knowledge of the events and people I refer to herein.

I am the original owner, land developer and builder of the property at 7709 West Mercer Way, which is currently owned and occupied by Mr. Shane Miller. Upon its completion during 1984, I moved into the residence as my primary home until I sold it during 1988.

I. CITY-APPROVED SLOPE PHOTO

On behalf of Mr. Miller's Appeal Case No. 19-002, I would like to introduce a true and correct photograph (Exhibit A – Slopes Photograph). I had this photograph commissioned via aerial photography during 1985. At the time the photograph was taken, I was occupying the home

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1 fulltime. For example, I recognize in the photo my furniture appearing on the second story deck
2 and first story patio, which I remember having added after moving into the home fulltime.

3
4 In relation to Mr. Miller's Appeal Case, I believe there are many interesting findings per this
5 Exhibit A - Slopes Photograph:

- 6 1. CITY ACCEPTED THE SLOPES – the City had accepted and approved occupation of the
7 home during 1985 without any retaining walls appearing anywhere above the bulkhead.
- 8 2. BULKHEAD IS TRUE SLOPE BOTTOM – The true bottom of the slope is the toe of the
9 bulkhead. No one should be describing any other walls as being at the bottom of the slope.
- 10
11 3. BULKHEAD ENGINEERED TO CARRY SLOPE LOADS - The bulkhead is a
12 professionally engineered wall solution designed and engineered to carry slope loads.
- 13
14 4. BULKHEAD PERFECTLY UNCHANGED – The engineered bulkhead at the toe of the
15 true slope bottom remains perfectly unchanged versus when I constructed during 1985.
16 Also, the loose rocks waterward of the bulkhead are visible during 1985 just as today.
- 17
18 5. LANDWARD OF BULKHEAD UNCHANGED - Forms for the poured concrete pathway
19 atop the bulkhead can be seen and the resulting poured concrete slab walkway remains in
20 place today exactly as during 1985 after I had poured it.
- 21
22 6. WHAT IT WOULD TAKE TO RESTORE TO 1985 CONDITION: If Mr. Miller were to
23 clear the slopes by removing the landscaping rocks and plants and spread only beauty bark,
24 the resulting slopes would be identical to City-approved slopes per the 1985 photograph.
- 25
26 7. EROSION IS ADDRESSED - The north side of the property shows significant erosion
27 occurring in the photograph including into the Lake, which Mr. Miller has mitigated having
28 planted ~65 mature cypress trees spaced 2 feet apart

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II. LOT SLOPE PERCENT PER LICENSED SURVEYOR

It is also my understanding from talking with Mr. Miller that the City is alleging that his lot slope is greater than 40 percent. However, this is incorrect. See Exhibit B – Letter from Licensed Surveyor, Mr. Max Meyring, P.L.S. The letter states,

“At the request of Mr. George Lewis, an elevation study was carried out under my supervision to determine the difference in elevation between the highest and lowest points on the ground in accordance with Code 17.10.080. A precise level was used to measure the difference in elevation which was found to be equal to a 37% slope, between the NE corner and the South line intersect at the rip-rap along the West line, (a distance of 250 feet between the highest and lowest elevation).”

- M.B. Meyring, P.L.S - (Washington State Licensed Land Surveyor)

The fact that the lot slope is 37% - and therefore less than 40% - means the property shall not be regulated as a steep slope that is greater than 40%.

III. FOLLOW UP CONTACT INFO

I can be reached at (206) 755-4100 should you have questions or to discuss.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at MERCER ISL., [City] WA [State] on 10-17-2021
[Date].

(GEORGE LEWIS)

X 

(printed name) Signature

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Exhibit A

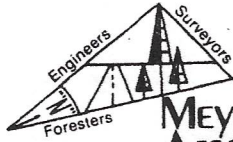


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Ex. 1076-5/5

Exhibit B



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MEYRING &
ASSOCIATES, INC.

23423 Highway 99

Edmonds, WA 98020

(206) 778-3101

P.O. Box 32

Lynnwood, WA 98036

March 5, 1984

Building Department
City of Mercer Island
Mercer Island, WA

Re: Site evaluation of Lot C - SP 81-2-02

At the request of Mr. George Lewis, an elevation study was carried out under my supervision to determine the difference in elevation between the highest and lowest points on the ground in accordance with Code 17.10.080. A precise level was used to measure the difference in elevation which was found to be equal to a 37% slope, between the NE corner and the South line intersect at the rip-rap along the West line, (a distance of 250 feet between the highest and lowest elevation).

Respectfully,

M. B. Meyring
M. B. Meyring, P.L.S.

MBM:rl
cc: George Lewis

