

Jimmi Serfling

From: Jimmi Serfling
Sent: Friday, February 16, 2018 1:09 PM
To: 'Shane Miller'
Cc: David Henderson; Evan Maxim; Don Cole; Alison VanGorp; shanemillerus@gmail.com; Gareth Reece
Subject: RE: Stop Work Order Posted - Follow-up re: 2/12 Courtesy Notice and 2/14 Onsite Meeting

Shane,

Thank you for meeting with me and Gareth on Wednesday. We appreciate that you had Mr. Haberman and Mr. Lee there.

To clarify: The Courtesy Notice dated Feb. 12th, 2018 was not meant to reflect any findings from our site visit on Feb. 14th. It's purpose was to out line the case up to the date of the Notice and provide information and the reasons why case CE18-0017 was opened.

I will address each of your 6 bullet items:

1) The first sentence says there is wall construction taking place within the shoreline area, which is inaccurate. All work occurred well above and away from the shoreline, and the work was completed in a single day on or about February 2nd. You had received completed photos on or about February 5th, and witnessed the work in-person during today's meeting.

My use of "shoreline area" to define the location of the retaining wall construction is not inaccurate based on MICC 19.16.010 Definitions and RCW 90.58.030. Shorelands: Lake Washington, is underlying land, associate wetlands, and those lands extending landward 200 feet from its ordinary high water mark (OHWM). Shoreline Areas and Shoreline Jurisdiction: All "shorelines of the state" and "shorelands" as defined in RCW 90.58.030 RCW 90.58.030 (d) "Shorelands" or "shoreland areas" means those lands extending landward for two hundred feet in all directions as measured on horizontal plane from the ordinary high water mark;.....
 (e) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them;.....

2) The first sentence also says that dirty water entered Lake Washington, which is inaccurate. I had provided photographs showing and explaining otherwise, and I believe you understood the explanations and photos shown.

I believe you have miss quoted my first sentence, which is an accurate summary of the code compliance request that was submitted. When I met with you I understood that you acknowledge there was dirty water in the lake. I understood that you believed the photo showing the work taking place on your property was filtered somehow and that the dirty water was from the neighbors boat next door that was sitting on the lake bed. What you have not provided any evidence or an explanation of how you managed the mud that was created along the concrete path area throughout the wall construction and the clean-up.

3) The second sentence refers to lack of permits and property line issues for a driveway gate. Together we measured the gate and confirmed the height is less than 72 inches, and therefore we agreed there are no longer any code, permit or property line issues currently under Code Enforcement investigation for the driveway gate.

The first paragraph of the Courtesy Notice is a summary of the compliance request I received. As I stated in the Courtesy Notice : The gate is a manual gate and does not require any City permits to install. It is a private property civil issue as to whether it is located on your property or encroaching onto your neighbor's property. However, the gate does need to meet Land Use codes. The gate is located along your side yard, this is allowed. The allowed maximum height within the required side yard is 72 inches.....
 On 2/14/18 during my site visit, you and I measured the gate and it is approximately 68.5 inches measured at each of the posts. The gate concern is resolved for the City and no further investigation concerning the gate is needed.

4) We both know that walls above the shoreline had existed previously. Both the Geotech Engineer and Architect wrote in their letters about the state of the preexisting wood walls. Their letters also explicitly find the work limited to "yard maintenance", which it was. I think Gareth may have also agreed the work was limited to yard maintenance. Therefore, we have 2-3 engineers and 1 architect *all* calling it yard maintenance. Therefore, I believe these issues are addressed by the letters from Mr. Lee and Mr. Haberman and the results of today's in-person, onsite review of the subject area.

The Stop Work notice allowed you to install temporary erosion and stability control measures under the supervision of a geotech. Your geotech Phil Haberman with Cobalt Geosciences, has stated that he oversaw this work and 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.

The scope of work that you have done on the new rock wall that replaced the preexisting wood walls, as you have stated, requires a building permit. Gareth has provided you with our code information and explanation. He has asked you to submit a Building permit application with drawings. The Stop Work order remains posted until the code violations are resolved and the Building Official deems that it may be removed.

5) The Notice goes on to repeat allegations about work in the shoreline area and dirt/mud. Again, no work occurred in the shoreline area because it was above and away from the shoreline area, and no dirt/mud entered the Lake.

Work did occur in the shoreline area. See my response to 1) & 2).

6) The MI Shoreline Ordinance No 13C-12 Page 4 says, "uses and structures twenty five (25) feet landward from the OHWM, which were legally created may be maintained, repaired, renovated, remodeled and completely replaced to the extent that non-conformance with the standards and regulations of this Section is not increased."

This Ordinance does not negate the fact that you need a building permit for the rock retaining wall work you have done.

Case CE18-0017 is not resolved and the issue still remains that you need to apply for a building permit in regards to the retaining wall work you have completed and the Stop Work Order is to remain in place.

Jimmi Serfling

**City of Mercer Island Code Compliance
206-275-7709**

*** Working part-time, I am in the office on Mondays, Wednesdays and Fridays.**

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From: Shane Miller [mailto:shane_miller_usa@yahoo.com]

Sent: Wednesday, February 14, 2018 2:56 PM

To: Jimmi Serfling <Jimmi.Serfling@mercergov.org>

Cc: David Henderson <david.henderson@mercergov.org>; Evan Maxim <evan.maxim@mercergov.org>; Don Cole <Don.Cole@mercergov.org>; Alison VanGorp <alison.vangorp@mercergov.org>; shanemillerus@gmail.com

Subject: Re: Stop Work Order Posted - Follow-up re: 2/12 Courtesy Notice and 2/14 Onsite Meeting

Jimmi,

I hope you found today's onsite meeting helpful, including getting to hear in-person from experts such as the Licensed Geotechnical Engineer (Mr. Haberman) and Licensed Architect (Mr. Lee).

I'm in receipt of your Code Compliance Courtesy Notice dated February 12, 2018. However, the Notice does not appear to reflect the results of today's February 14, 2018 meeting nor the letter from Mr. Haberman, which was also provided today. For example, specifically:

- 1) The first sentence says there is wall construction taking place within the shoreline area, which is inaccurate. All work occurred well above and away from the shoreline, and the work was completed in a single day on or about February 2nd. You had received completed photos on or about February 5th, and witnessed the work in-person during today's meeting.
- 2) The first sentence also says that dirty water entered Lake Washington, which is inaccurate. I had provided photographs showing and explaining otherwise, and I believe you understood the explanations and photos shown.
- 3) The second sentence refers to lack of permits and property line issues for a driveway gate. Together we measured the gate and confirmed the height is less than 72 inches, and therefore we agreed there are no longer any code, permit or property line issues currently under Code Enforcement investigation for the driveway gate.
- 4) We both know that walls above the shoreline had existed previously. Both the Geotech Engineer and Architect wrote in their letters about the state of the preexisting wood walls. Their letters also explicitly find the work limited to "yard maintenance", which it was. I think Gareth may have also agreed the work was limited to yard maintenance. Therefore,