

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
STUDY SESSION MINUTES

June 27, 2012
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chairman Turner, Commissioners Carlson, Ferris, Hamlin, Laing, Tebelius

COMMISSIONERS ABSENT: Commissioner Sheffels, Ferris

STAFF PRESENT: Paul Inghram; Department of Planning and Community Development; Carol Helland, Michael Paine; Development Services

ALSO PRESENT: Deputy Mayor Robertson

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 6:39 p.m. by Chairman Turner who presided.

2. ROLL CALL

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Sheffels, who was excused.

3. PUBLIC COMMENT

Comprehensive Planning Manager Paul Inghram took a moment to respond to some emails received by staff regarding the proposed Shoreline Master Program update schedule. He stressed that the schedule is not meant to imply that a deadline is looming or that things have to happen by the end of July. The interest of the Commission has been to focus its work during the month of July on the Shoreline Master Program. A new draft is scheduled to be out on July 5, after which staff will be available to review it with interested persons. It is unlikely the Commission will want to take action on July 11. A public hearing might be appropriate but the Commission will make that decision.

Mr. Norman Baullinger, 16226 SE 24th Street, spoke as a Phantom Lake shoreline resident. He said he was somewhat dismayed by the June 18 agenda memo sent by Mr. Inghram to the Commission regarding comments from the Environmental Services Commission about Phantom Lake because the attachments were biased. The attachments included a list of responses to input regarding Phantom Lake; most disturbing was the fact that they did not provide all the inputs. There are documents that should have been included to give a clearer picture, including the 1980 concomitant zoning agreement between the city and the Eastgate business park in which it was stated that adverse impacts resulting from the rezone were to be mitigated. Another document that should have been included was the right to convey water along the stream, RCW 90.03.03, which does not allow for the raising of water above the ordinary high water mark without just compensation. Utilities continues to argue that they have no responsibility for fixing the outflow culvert under SE 17th Place. A 1983 memo from the city regarding capital improvement projects

includes a reference to upgrading the culvert under SE 17th Place, and downstream improvements in the Phantom Falls area and the outlet area of Phantom Lake. The response of Utilities to an April 2012 white paper was very curt; copies of the white paper were provided to the Commissioners.

Commissioner Hamlin asked what adverse impacts on the lake resulted from rezoning the business park. Mr. Baullinger said they include increased water flow into the lake, which has brought in contaminants, and an increased lake level. Commissioner Hamlin said he was aware of a study that concluded contaminants were not in fact flowing into the lake from the Eastgate area. Mr. Baullinger said he had not seen the results of that study. He said it was his understanding that the study was associated with the work to clean out Pond A and the only testing done was to ensure the material could be placed in a landfill without special treatment.

Commissioner Tebelius said the Commissioners had in front of them a memo from the Environmental Services Commission dated June 21, 2012, in which Attachment A says the city conducted an IDDE investigation in 2011 which included water quality sampling and hydraulic information. She said it appears there was a meeting with the Phantom Lake Homeowners Association board members to keep them informed and to share with them the information. The document states that both the city and the consultant concluded there is no evidence of contamination by the Eastgate landfill through groundwater movement or surface water contamination. Mr. Baullinger said he could not verify anything the report says. Water samples should be taken from different places and at different times to get a true picture, and the actual sediment from the flow into the lake should be tested. The tests done were incomplete in that they did not test for all the contaminants the Phantom Lake homeowners are concerned about, including copper.

Mr. Charlie Klinge, 111 NE 8th Street, spoke on behalf of the Washington Sensible Shorelines Association. He said the discussion in the staff report about elevation is not quite right relative to the Department of Ecology's concern regarding elevation as related to setbacks. That happened on Lake Sammamish and the Department of Ecology responded that property-specific elevation reviews are needed in association with bulkheads; they added that they did not care about elevation with regard to setbacks for buildings. The comments of staff with regard to critical areas are not clear, but there may be some clarification in the redraft, though it does appear the staff agree that the entire shoreline should not be called a critical area. With regard to the restoration plan, what the Phantom Lake residents would like to see is a comprehensive planning document addressing all issues that affect shoreline resources. The guidelines talk about sediment and stormwater transfer from upstream as issues to be addressed in the Shoreline Master Program and the restoration plan. The restoration plan says on its face that those issues are to be addressed; all the Phantom Lake homeowners are asking for is additions and adjustments to the restoration plan relative to specific actions upstream of the lake to reduce the water coming into the lake and the level of pollutants coming into the lake. The Environmental Services Commission and the Parks and Community Services Board will be involved when it comes to implementation. The argument that the specific issues should not be included in the Shoreline Master Program is not correct.

Commissioner Carlson asked Mr. Klinge if he could make a recommendation regarding outflow what it would be. Mr. Klinge responded by reminding the Commission that the city has an easement for the weir on the outflow of Phantom Lake. The weir may in fact be located on private property, but the city has an easement that includes maintenance. He said the city should address the weir and make sure it is functioning properly, and the outflow creek should include restoration to make sure sediment is flushing directly into Lake Sammamish.

Commissioner Tebelius asked if keeping the lake water at a management level by controlling the number of boards on the weir should be part of the outflow management. Mr. Klinge said that should be part of the solution. Additionally, the clearing and restoration work needed should keep the channel free of all vegetation and sediment buildup.

Mr. Brian Parks, 16011 SE 16th Street, spoke as president of the Phantom Lake Homeowners Association. He said the redraft should refer to a set administrative ordinary high water mark for Phantom Lake that applies to building setbacks and serves as the basis for the shoreline overlay district. The staff have stated that the building setbacks may be superseded by other criteria in some situations, such as the FEMA base flood elevation. However, there are other current and possible implications relative to the ordinary high water mark, such as inappropriate extension of the shoreline overlay district reaching homes not in the lake due to artificial conditions. The Phantom Lake homeowners are not asking for enhanced services; rather they want the city to honor the 1980 concomitant zoning agreement to mitigate adverse conditions. Operating the weir at no more than one 0.3-foot timbers as recommended by King County Metro is essential to restoring lake conditions to what existed prior to the installation of the weir and the berm in 1990; that is why compensation via an administrative ordinary high water mark is necessary. The artificial nature of the flooding Phantom Lake faces will result in the undercutting of trees and structures along the outlet channel; only one weir board should be in place. Because of the higher water level, the outlet channel is being widened by the flow, and that is undercutting trees. With regard to testing, he noted that a wetlands consultant was brought in by the homeowners to run three tests. Samples were collected from the water flowing into Pond A and the water coming out of Pond A. The results showed that the water flowing into Pond A is cleaner than the water flowing out of the pond; the heavy metals of copper, zinc and lead are apparently accumulating in the pond, an indication of ground water contamination. The results were sent to Environmental Services Commission chair Brad Helland but he has not made any response. A second test was done almost a year later using samples of muck scooped up from where Phantom Creek flows into Phantom Lake. The results showed very high numbers in many areas. The position of Utilities that no studies of the lake will be done absent the forming of a lake management district means the pollutants will go undetected and unaddressed.

Commissioner Carlson asked if any trees along the outflow channel that fall due to undercutting would be immediately removed. Environmental Planning Manager Michael Paine said the channel is located entirely on private property. The private property owner would have to remove the tree, and would be required to obtain a permit to do so.

Answering a question asked by Commissioner Hamlin about the reluctance of the Phantom Lake homeowners to forming a lake management district, Mr. Parks said the materials he previously submitted to the Commission included the thinking of the homeowners. He pointed out that the statement in the staff memo indicating that the officers of the Phantom Lake Homeowners Association unanimously voted to accept the assistance provided by the grant and agreed to look into forming an entity such as a lake management district is misleading. The fact is the two elected officers present at the meeting said they were willing to discuss the proposal of Utilities relative to forming a lake management district, and made sure it was clear there would be no requirement to form one in order to receive the grant. To date, no benefits that would flow from forming a lake management district have been discussed by Utilities, other than it would be a financial tool. The homeowners association itself is an entity for collecting to cover expenses, and it has existed in some form since 1938. Additionally, the homeowners have for years been paying monthly charges on their stormwater bills for management of lakes and streams. There are too many unanswered questions regarding a lake management district, not the least of which is the issue of liability.

Mr. Klinge said city staff wants to put the problem on the shoulders of just the lakefront property owners, when in fact the problems are basin-wide. A funding mechanism that includes the entire basin may be looked on more favorably. The city currently has a project under way in Richards Valley, through which it will acquire easements to allow for stormwater management and habitat restoration, and the local property owners are not being asked to pay; there is no reason why the city could not take the same approach for the Phantom Lake outfall channel.

Mr. Parks added that in the previous attempt to form a lake management district shoreline property owners made up only about 30 percent. That made them minority shareholders.

Commissioner Tebelius asked if the outflow channel is in fact on private property, and if it is how the Phantom Lake property owners would want the city to resolve the issue. Mr. Parks said there is one cedar tree in particular in the channel that is being undercut. The tree is located within the shoreline overlay district but is not within the weir easement portion, so it is on private property. The channel was in place for a long time before the weir was constructed and no undercutting was observed. The property owner has testified that since the weir went in the channel has been steadily widening to where trees are being undercut. Removing a single board from the weir would greatly improve the situation, but Utilities has not even been willing to discuss taking that action.

Answering a question asked by Commissioner Tebelius regarding the issue of sediment, Mr. Parks said the waters coming out of Phantom Lake clear in big storm events. It goes through Weowna Park and at the bottom there is a detention pond with a raised receptacle that is all filled in from erosion within Weowna Park. The plume into Lake Sammamish results from the flushing of the detention pond.

Ms. Anita Skoog-Neil, 9302 SE Shoreland Drive, referred to the restoration plan amendment and pointed out that prior to the redraft a number of issues were not resolved. Changes needed to the language were submitted by the public in an attempt to keep some restoration bullet points from becoming requirements. In particular there was concern about high wave action in Lake Washington. In Meydenbauer Bay a set percentage goal for moorage reduction was in the restoration plan in contradiction to the implementation plan under the park master plan. On the non-regulatory side, if the focus of the Shoreline Master Program is to protect and improve ecological functions, no place calls out for true restoration more than Phantom Lake where there has been degraded water quality and artificial lake levels. The Shoreline Master Program requires regulatory and non-regulatory provisions for all qualified shorelines, and Phantom Lake fits in that category. Regardless of what the city's consultant holds to be true, the water quality of Phantom Lake has changed over the years and the timing of the change appears to coincide with the development that occurred on the Eastgate Boeing site and the development of the inlet channel. The outlet channel sediment removal was a good move, but for the city to declare that it has done its part and the residents are now on their own does not hold water. If residents were responsible for the permitting and installation of the channel, that might make sense, but of course they were not. The sediment buildup is logically the direct result of a new source of incoming water at a tenfold outflow capacity. With regard to the issue of forming a lake management district, all logical stakeholders must be included; of course most outside of the shoreline would not vote for a lake management district because they would not be directly benefited. The city wants to believe it has washed Phantom Lake out of its hands and wants a lake management district formed to transfer all responsibility to the property owners. Perhaps the staff should petition the Department of Ecology to exempt Phantom Lake from the Shoreline Master Program, but until and unless that happens the property owners will be stuck with the Shoreline Master Program requirements to protect or improve the ecological functions.

4. APPROVAL OF AGENDA

Commissioner Tebelius moved to approve the agenda. The motion was seconded by Commissioner Carlson and the motion carried unanimously.

5. COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCILS, BOARDS AND COMMISSIONS – None

6. STAFF REPORTS

Comprehensive Planning Manager Paul Inghram said the Comprehensive Plan amendment threshold review recommendations are slated to be before the City Council on July 23.

Mr. Inghram said a review of the Sammamish River weir and slough was on the Council's June 23 agenda. Representatives from King County were at the meeting and there was discussion about working cooperatively to manage and improve the weir.

Commissioner Carlson said there is a dam of unknown origin near the weir in Lake Sammamish, and there is some talk about whether it will be removed or not. Deputy Mayor Robertson approached the Commission and said that structure was discussed and the indication given was that it would be removed later in the year. King County is about finished with a study on the weeds and sediment in the Sammamish River, and they have already taken action to remove some of the vegetation, which is already making a difference on the flow. Sediment removal will occur in 2013.

7. STUDY SESSION

A. Shoreline Master Program Update – Phantom Lake

Mr. Inghram reminded the Commissioners that the issue of the ordinary high water mark will be addressed, at least with regard to setbacks, in the upcoming redraft. He said staff's understanding is that the Shoreline Management Act does not allow local jurisdictions to establish an administrative ordinary high water mark for the shoreline area. He concurred with the public comments that the lake shorelines are not in and of themselves critical areas, but there may be associated wetlands which are critical areas. Mr. Parks had suggested including a number of items in the restoration plan, but the Environmental Services Commission in the letter it submitted to the Commission suggests that they would like to address many of the items through their process.

Commissioner Tebelius asked if the city can in fact establish an ordinary high water mark for Phantom Lake. Land Use Director Carol Helland said there is a definition in the Shoreline Management Act for ordinary high water mark based on a number of characteristics; the definition precludes defining the ordinary high water mark as a specific elevation. For the purposes of measuring shoreline jurisdiction, Department of Ecology has directed that ordinary high water mark be used. The Department of Ecology would disallow as inappropriate measuring the shoreline jurisdiction 200 feet from a specific elevation. A point can be used to measure setbacks, and the Department of Ecology has said that practice is allowed provided it is based on a study of 95 percent probability.

Commissioner Tebelius asked Ms. Helland if she had the sense that the Phantom Lake homeowners are not referring to the use of the ordinary high water mark in the same way described for purposes of measuring a setback. Ms. Helland said she did not think so until Mr.

Parks testified that he wanted the ordinary high water mark determined for purposes of measuring the setback and the shoreline jurisdiction. The staff believe that approach is not in line with the dictates of measuring the shoreline jurisdiction from the ordinary high water mark as defined in the Shoreline Management Act. Staff could agree with the request of Mr. Parks if he were to remove the words "...for the purposes of determining the shoreline jurisdiction...." The Commission had directed the staff to base setbacks on an administrative ordinary high water mark and the code is being redrafted accordingly.

Commissioner Tebelius asked how the city could get to the requested elevation of 260.7 using the criteria for measuring the setback. Ms. Helland said there is a provision in the current Shoreline Master Program that identifies a point from which setbacks are measured on Lake Sammamish, and staff are in the process of crafting a similar provision for Phantom Lake that uses the 260.7 elevation for the purposes of measuring setbacks.

Commissioner Hamlin asked if the 260.7 elevation is at risk given that there is no statistical measurement behind it. Mr. Paine allowed that the elevation is arbitrary and the Department of Ecology could potentially direct the city to conduct a study to verify the number.

Mr. Inghram said there are four instances in which the ordinary high water mark should be known: for bulkheads, for setbacks or buffers, for docks where the Corps of Engineers insists on maintaining a certain elevation above the ordinary high water mark, and for determining the shoreline jurisdictions, which is defined as 200 feet from the ordinary high water mark. He said the Shoreline Management Act does not specify what the setback is, but it does specify the 200-foot shoreline jurisdiction and has regulations about bulkheads, both of which must be measured by the site-specific measurement of looking at the water's edge.

Commissioner Tebelius asked why the Phantom Lake homeowners are asking to have an administrative ordinary high water mark determined. Mr. Inghram said his presumption was that they are seeking certainty and predictability upon which to base all decisions.

Commissioner Laing said anyone within the shoreline jurisdiction is subject to potentially having to go through a substantial development permit process or a shoreline conditional use permit process. There is a value in having certainty, particularly in proving a property is outside the limits of the shoreline jurisdiction. Where there are artificially high water levels, the number of measurements taken to determine the ordinary high water mark are ~~is~~ irrelevant. What the Phantom Lake and Lake Sammamish residents have been saying all along is that due to a failure of a governmental entities to properly maintain facilities they installed, the lake levels have been impacted and are higher than they ought to be. At the June 23 Council meeting there was an acknowledgment that there is a problem and it was stated that something will be done about it. It is not fair for the government to have the instrumentality of control over water levels and then step back and say the lake level issue is not a shoreline regulation issue, while on the other hand saying ~~they are~~ it is imposing shoreline regulations to address water quality issue. Until there is a conversation with Utilities, the Environmental Services Commission, the City Council or all of the groups, nothing positive will happen.

Commissioner Tebelius asked Commissioner Laing if in his opinion it would be fatal to include the 260.7 mark for Phantom Lake. Commissioner Laing said it would not be. Commissioner Tebelius suggested if it would not be fatal to the plan, there should be no argument against doing it. Ms. Helland stressed that under the direction previously given by the Commission, the 260.7 elevation will be included in the redraft relative to determining setbacks, but unless directed to do so, the mark will not be included relative to determining the shoreline jurisdiction.

Commissioner Laing said the definition of ordinary high water mark in the Shoreline Management Act was clearly explained by Ms. Helland. The definition talks about changes in vegetation and states that the ordinary high water mark may naturally change. The definition goes on to say that if the ordinary high water mark cannot be found, it can be determined to be the line of mean high water. The courts as well as the Shoreline Hearings Board have endorsed the use of elevation data to establish the ordinary high water mark where a natural ordinary high water mark does not exist. The use of a set elevation appears to be defensible. What both Lake Sammamish and Phantom Lake have is a fluctuating ordinary high water mark, so it cannot simply be said that it has naturally changed. He said he would be very comfortable using an elevation as the mark for determining the shoreline jurisdiction for Phantom Lake and Lake Sammamish. At the end of the day what is most critical is what is happening at the water's edge.

Mr. Inghram said the city's shoreline mapping was done conservatively based on aerial photographs that capture the typical lake area. Ms. Helland added that in her 16 years with the city she could recall only one dispute regarding the outward fringe of the shoreline jurisdiction, and that concerned a transportation project on SE 8th Street.

Commissioner Hamlin agreed with using an elevation for the purpose of measuring setbacks, but not as a means for determining the shoreline jurisdiction.

Commissioner Tebelius said she had read through the recommendations offered by the Phantom Lake Homeowners Association to remove projects PL-2 and PL-3 and to add some projects. She said she could see no reason to reject the recommendations.

Commissioner Hamlin said he had no reason to argue against removing projects PL-2 and PL-3. He said he disagreed, however, with the other projects, and agreed with the recommendation of the Environmental Services Commission that they do not belong in the restoration plan. He said he would like to see the projects addressed in other places as discussed by the Environmental Services Commission.

Ms. Helland clarified that the roles of Planning Commission and the Environmental Services Commission are specifically spelled out in the personnel chapter of the Bellevue city code. The Environmental Services Commission does not have responsibility for implementation; their responsibility is similar to that of the Planning Commission in that they serve in an advisory capacity. The Environmental Services Commission does have specific authority relative to the setting of utility, surface water and other rates. Their memo appears to draw fog lines for which issues should logically go where based on the duties and responsibilities each Commission has. The Planning Commission certainly can address the various projects in its transmittal memo to the Council or in a memo directly to the Environmental Services Commission.

Commissioner Tebelius suggested that if rephrased some of the projects may be appropriate for inclusion in the restoration plan.

Commissioner Laing said the Commission should indicate its support of efforts that are aimed at water quality. The various issues are not Environmental Services Commission issues or Parks and Community Services Board issues, they are in fact issues for everyone. Wording them to show they are not regulatory should be done, and then they should be included. The need for the focus to be on water quality should be affirmed and articulated in the plan.

Chairman Turner said it would be a good idea to develop a list of issues jointly shared by the Planning Commission, the Environmental Services Commission and the Parks and Community Services Board. The responsibility for resolving each issue should be clearly identified as well.

Ms. Helland said staff has not made any changes to the restoration plan because in December 2011 it was considered to be complete after the Commission's last changes were incorporated. She said if the document is to be reopened and revised, staff will need specific direction from the Commission.

A majority of Commissioners agreed to direct staff to remove projects PL-2 and PL-3 from the restoration plan.

Commissioner Carlson asked the opinion of the Phantom Lake homeowners regarding how artificially high the lake level is currently. Mr. Park said the lake level is about a foot higher than it was before the weir and berm went in. He said he has documents upon which that conclusion was reached. Because many of the properties have gradual shores, the one foot elevation gain goes a long way landward. Utilities shows a lake level of 262, which is more than a foot above the 260.7 which is where the lawn etching is. The Shoreline Master Program map book lists an elevation of 262, and the shoreline overlay lines are close to the 262 as well.

Mr. Inghram clarified that the city's topography maps are shown in specific increments, and 262 is the last elevation ring shown before the lake. It is not the lake elevation.

Mr. Paine said it would be interesting to actually run a model based on the forested condition, which is possible to do, and the 100-year storm and find out where a non development-influenced lake level would be in comparison to current conditions. He suggested that no one really knows what the lake level should be; there is no evidence yet to determine that.

Ms. Helland proposed giving feedback to the Parks and Community Services Board and the Environmental Services Commission regarding the desire of the Commission to affirm in the plan a focus on water quality, and making it clear that none of the projects should be regulatory in nature, and asking the Parks and Community Services Board and the Environmental Services Commission to take a stab at redrafting the language of items PL-4 through PL-10. The Commissioners concurred.

Commissioner Laing said the restoration plan, which is non-regulatory, should be viewed as an aspiration for the city.

Commissioner Tebelius commented that the concerns of the Phantom Lake homeowners were more than well taken. She said ultimately the power to resolve the issues is in the hands of the Council, because they have the power to spend, but the Commission should in the strongest terms make it clear it is concerned about what is happening on Phantom Lake.

8. OTHER BUSINESS

A. Election of Chairperson and Vice-Chairperson

Chairman Turner opened the floor to nominations for Chairperson.

Commissioner Laing nominated Commissioner Carlson to serve as Chairperson. The nomination was seconded by Commissioner Tebelius and the motion carried unanimously. There were no other nominations.

The gavel was passed to new Chairman Carlson who then opened the floor to nominations for Vice-Chairperson.

Commissioner Turner nominated Commissioner Tebelius. The nomination was seconded by Commissioner Laing and the motion carried unanimously. There were no other nominations.

Vice Chairman Tebelius took a moment to thank Commissioner Turner for his leadership over the past year. She said he had handled some very difficult issues with grace and wit.

Commissioner Turner said he had a lot of fun working through the challenges. He said Bellevue is very fortunate to have so many great people who are willing to volunteer their time and efforts to do what they believe is right.

9. PUBLIC COMMENT

Mr. Charlie Klinge, 111 NE 8th Street, said the definition of ordinary high water mark in the Shoreline Management Act refers to vegetation as it existed on June 1, 1971, or as it may naturally change thereafter. It is difficult to determine what the ordinary high water mark was in 1971. For both Phantom Lake and Lake Sammamish, what it comes down to is that the lake levels have artificially been altered. The Commission could agree with the Washington Sensible Shorelines Association and conclude that the best approach would be to go by a mean high water line. The Department of Ecology wants to be site-specific when dealing with bulkheads, but that does not mean they would not accept the suggested approach. With regard to the restoration plan, he agreed the Commission should take input from the Environmental Services Commission and the Parks and Community Services Board, but there should be some recognition of what is already in the plan, including a sewer lake line replacement in Meydenbauer Bay. It would be a good thing to get the sewer line out of the bay, but it is a project under the purview of the Environmental Services Commission and Utilities that is included in the restoration plan. The restoration plan also says the park redevelopment element is of particular importance; that element includes such good things as fish passage, flood abatement and water quality improvements, all of which are already in the restoration plan. It is completely appropriate to include the projects proposed by the Phantom Lake homeowners. More should be said about follow-up and monitoring projects.

Mr. Norman Baullinger, 16226 SE 24th Street, said he did not understand the controversy between jurisdiction and setbacks and why it makes much difference. If the difference is one or two feet out of 200 feet, no one should really care. Using 260.7 for both the jurisdiction and the setback should be done.

Ms. Anita Skoog-Neil, 9302 SE Shoreland Drive, pointed out that restoration is not triggered by redevelopment. Redevelopment triggers mitigation, but restoration is voluntary.

Mr. Brian Parks, 16011 SE 16th Street, said he has a pending public information request with the city regarding a multi-home development called Phantom Meadows from 1979, prior to the installation of the weir and berm. He said a map of the development from that time shows the shoreline overlay district and surmised that it must have been based on an ordinary high water mark. He suggested the planning staff should expedite the search for the original map, and should look for other similar developments that may have been based on ordinary high water mark prior to the 1990 installations.

Mr. Paine pointed out that the 1974 plan includes in it a wetland shoreline environment for Phantom Lake. That was the trigger for the shoreline environment, so it would have been in proximity to that. He said he was not aware of any specific definition of ordinary high water mark at that time, but there was a clear identification of the wetlands associated with Phantom

Lake which would have been regulated under the Shoreline Management Act.

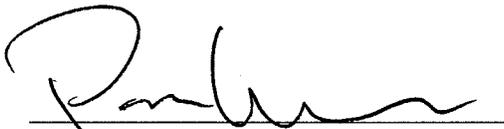
10. NEXT PLANNING COMMISSION MEETING

A. July 11, 2012

11. ADJOURN

Vice Chairman Tebelius moved to adjourn. The motion was seconded by Commissioner Laing and the motion carried unanimously.

Chairman Carlson adjourned the meeting at 8:43 p.m.



Paul Inghram
Staff to the Planning Commission

10/10/2012
Date



John Carlson
Chairman of the Planning Commission

10-10-12
Date

* Corrected and approved on September 12, 2012