

**Lake Minterwood Beach Club
Highlights Board of Trustees Meetings
April 20 and May 18, 2016**

Meetings: The regular meetings of the LMBC board of trustees were called to order by President Robyn McGilvrey at 7:00 pm at the Key Center Library.

Minutes: Minutes of the previous meetings were approved unanimously.

Financial: The board reviewed expenditures and found no unusual issues.

Committee Reports:

The Lake Minterwood Architectural Control Committee urges all residents to apply for an ACC permit for your summer building or repair projects. The ACC committee can usually have your application approved and returned to you within a day or two. Your ACC permit is in addition to any Pierce County permit you may need and is not intended to replace permits required by the county. Visit the LMBC website under the **ABOUT** tab for a permit application.

The LMBC Lake Management team stocked the lake with trout on April 14th and plans to stock it again before the June 4th fishing derby.

The board approved a letter written by Robin Harvey on behalf of Lake Minterwood, to be directed to the State Department of Ecology, Shorelands and Environmental Assistance Program. The letter challenges the state's assumptions that Lake Minterwood is a navigable lake and that it is in excess of 20 acres. That letter follows this report.

A few residents reported sighting crayfish in the lake. They were later tentatively identified as Signal Crayfish, which are indigenous to our area and are not considered invasive or threatening to the lake. Robin Harvey inspected the dam and reported it in good condition. A rotting board in the dock has been replaced to avoid injury.

The Property Committee reported the April 9th Community Cleanup was a hit for residents wishing to get rid of items destined for the landfill. If this service is repeated in the future it may be scheduled for a weekend other than the same weekend that the park and common areas are to be cleaned. Our thanks to those who were able to come to the park and help! The beach area will be rototilled in order to break up the rest of the weeds and remove some of the larger rocks in preparation for the board approved purchase of sand.

The Security Committee would like to remind us to always call 911 in an emergency. Certainly your neighbors need to know of any property damages or attempted break-in issues but 911 should always be your first call. Try to get

license numbers of suspicious or speeding vehicles in our community and call the information in to the non emergency number – **253-798-4721**. With the better weather comes more activity in the park area and a reminder that vehicles illegally parked will be towed - especially those blocking the fire lane (gate) to the park. In the coming months placards will be issued to residents to display in their windshield when parking either at the park or at the dam area.

The results of the April 20, 2016 LMBC Special Board of Trustees meeting held to elect new officers are as follows:

President: Robyn McGilvrey
Vice President: Ellie Klauminzer
Secretary: Rita Cornella
Treasurer: John Baxter

Committee Assignments are as follows:

ACC: Judy Scott and Ellie Klauminzer.
All trustees serve as ACC members.
Property: David Dowling and John Baxter
Lake: Robin Harvey and John Baxter
Security: Randy Vint
Welcoming: Judy Scott
Recording Secretary: Barbara Temple-Thurston
Social & Social Media: Robyn McGilvrey

The Fishing Derby date is confirmed as June 4, 2016. Fish stock will be arranged for a few days prior to the Derby, and signs will be posted reflecting the closure of the lake to fishing until after the Derby.

The next Board Meeting is scheduled for 7:00 PM, June 15th, 2016 at the Key Center library.

April 13, 2016

Kim Van Zwalenburg
Washington Department of Ecology
Shorelands and Environmental Assistance Program
Southwest Regional Office
PO Box 47775
Olympia, WA 98504-7775

RE: Lake Minterwood; Reach Name MINT_LK_01; WRIA Name Kitsap 15; Tax Parcel # 5022002670 Section 31 Township 22 Range 01 Quarter 22 Lake Minterwood: Lake MinterwoodTR L

Attn: Kim Van Zwalenburg,

Quoting a 4/4/16 letter to you by Gail Howe-Jennings, "In 1968 Tract "L" was designated as Lake Minterwood. In Addition, Howard Roland, President of Minterwood Inc, a corporation, representing *owners of the land nearby platted* and surveyed the *subdivision to be known as Lake Minterwood*. The Corporation created the Declarations of Restriction, Covenants and Conditions."

Subsequent Amendments to the ARTICLE OF INCORPORATION filed for record in the office of the Secretary of State on June 25, 1968 were filed for record in the office of the Secretary of State on May 16, 1974. And AMENDED ARTICLES OF INCORPORATION filed for record in the office of the Secretary of State on November 22, 1974. Article II 2.a

"To acquire, own and maintain a private lake known as LAKE MINTERWOOD and the water level thereof exclusively for the pleasure, recreation and other similar nonprofit-able purposes of the members."

We, the current Board of Trustees of Lake Minterwood Beach Club, LLC (LMBC), represent all of the private property owners of the above subdivision and its community properties, which together include all of Lake Minterwood. Under our Articles of Incorporation with the State of Washington, LMBC is responsible for enforcing the CC&Rs and the maintenance of Lake Minterwood.

We too believe Lake Minterwood should be re-evaluated by the Department of Ecology for its characteristics and designation as reported in the Pierce County Shoreline Master Program pertaining to those other points made by Howe-Jennings below—to which we have added additional statements and explanatory comments.

The PCSMP neglects to state that this is essentially an artificial lake. Its currently available pumping capacity (a 1985 well) is historically found to be insufficient to maintain a mean high

water line at the original lake-level design (taking the original design to be the permitted dam's spillway elevation). We regularly monitor the lake level with recording instrumentation. The typical high water line in the rainy season averages more than two feet lower than the design level. It is currently 40" below the design level. In the summer dry season (when we are allowed to pump) natural transpiration, evaporation and seepage typically lower the level an additional foot.

The lake level affects the actual lake area. It is our viewpoint that after construction the lake was historically considered by LMBC to be 19 acres in size, less than the 20 acres presumed in the current proposed regulations. To our knowledge no on-site survey has been taken to ascertain the actual surface area of the lake at its typical high water level. We have attempted to apply available aerial maps and found the errors involved in distinguishing the actual shoreline to be significant. County maps of the water line appear to be hypothetical.

Regulation 7.4.8.1-2 represent shoreline and shoreline reach as 2.2 and 2.12 miles. Those of us who live here know that one can walk or jog on roadways and paths all the way around the elongated lake and only go 1-1/4 miles.

We affirm that there is no upland stream feeding the lake and the outflow is controlled by a private dam.

Pierce County is assuming this privately owned Lake is a navigable shoreline lake. This is a residential community and commercial operations associated with navigation for trade are not allowed under the CC&Rs. There is no public access allowed and all adjacent parcels surrounding it are privately owned. Water does not flow through it or connect the lake navigable to any other body of water.

Additionally, existing property lines listed with the County Assessor follow guidelines which are consistent with those to be used for non-navigable bodies of water, or submerged waters; and inconsistent with those suitable for those to be used for a navigable body of water.

- **LMBC asserts that Lake Minterwood is not a navigable shoreline lake, and should not be listed in the proposed regulations as such.**

Pierce County Shoreline Inventory and Characterization Report 2.2.1 Potential Shorelines Not Designated by WAC 173.20.560, states the *"method for local governments to use in identifying lakes that meet the 20-acre size threshold."* The {1} first phase involved GIS analysis, the {2} second phase involved aerial photo interpretation, and the {3} third phase included field assessment of a small subset of the lakes analyzed. *"The study identified several currently undesignated lakes in Pierce County that appear to meet the criteria for shorelines of the state. Those lakes identified as potential shorelines have been included in this inventory and characterization. However, not all lakes within the County were assessed by this study. The authors recommend that more detailed mapping and field verification should be conducted to verify the results."*

- **It appears that Lake Minterwood should be verified by the Department of Ecology that it actually meets the 20 acre in size shoreline. What methodology was used**

to determine the size of the lake and the wetlands?

In WAC 173-20-560 (filed 6/30/1972) Lakes coming under purview of Chapter 90.58 RCW – Pierce County lakes, Lake Minterwood is not listed. A Manmade Lake in T22N-R1E 30-31 is listed with no Acreage nor Use recorded and may or may not be Lake Minterwood.

- **It appears that Lake Minterwood should be verified by the Department of Ecology since it is not named on the list. Is it a non-significant lake since not on the list?**

The Final Shoreline Inventory and Characterization Report June 2009 Appendix C states “Length in Miles is based on WDNRShoreZone line file (SZLINE.shp)” The Washington State Shore Zone Inventory GIS Files for Lakes of Washington, Water Supply Bulletin 14 (March 2016) is recorded in Lakes of Washington, Volume 1 is a 1973 evaluation of lakes in Washington State. Section 30-P (dam site) names an Unnamed Lk as an unnamed stream. It appears to be designated at 23 area acres with depth of 8 feet for R Use.

- **How reliable is this 1973 evaluation regarding the accuracy of an Unnamed lake and stream that may or may not be Lake Minterwood since the lake was created in 1968? Since the date is 1973 we question if the area acres are accurate. Also the mean high water level over the last decade of record is significantly lower than the original design.**

Pierce County Shoreline Inventory and Characterization Report 7.4.8 Lake Minterwood states it *“is located on private property that has been heavily developed. There is beach and boat access to the lake”*.

- **It fails to include that the Lake Minterwood Beach Club Rules and Regulations state “only non-motorized boats are allowed”; that the beach usage and boat access are available only to Minterwood property owners; and that the lake is managed by the Trustees of Lake Minterwood Beach Club, Inc. (a non-profit, non-stock corporation).**

In 7.4.8.2 Shoreline Use Patterns state: *“No county or WDFW access facilities are present along the lake’s shoreline; however a private beach club is located at the southern end of the lake.”*

- **It fails to include that the Lake Minterwood Beach Club, under its Articles of Incorporation maintains “a private lake known as LAKE MINTERWOOD and the water level thereof exclusively for the pleasure, recreation and other similar nonprofit-able purposes of the members” and identifies stringent unique Fishing Rules with its own Rules and Regulations.**

Thank you in advance for your prompt action in following up on the above points and responding back to us with answers.

Sincerely,

Robyn McGilvrey, President
robyn.mcgilvrey@gmail.com

Dr. Robin J. Harvey, Trustee & Chair Lake Committee
rjharvey@centurytel.net

For the
Trustees of Lake Minterwood Beach Club, LLC
PO Box 311
Vaughn, WA 98394