

WHATCOM COUNTY
Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9097
360-778-5900, TTY 800-833-6384
360-778-5901 Fax
PDS@whatcomcounty.us



Mark Personius, AICP
Director

WHATCOM COUNTY
PLANNING & DEVELOPMENT SERVICES

DEC 31 2019

RECEIVED

**Comprehensive Plan and/or
Development Regulation
Amendment Application**

Date Received: 12/31/19 File #: PLN 2020-00004

Please check one or more of the following amendment types:

- Comprehensive Plan Map
- Comprehensive Plan Text
- Development Regulation Map
- Development Regulation Text

This form should be used for proposed amendments to the following development regulations in the Whatcom County Code:

- Title 16 - Environment,
- Title 20 - Zoning,
- Title 21 - Land Division Regulations, and
- Title 23 - Shoreline Management Program.

Topic of Proposed Amendment:

Remove the Nooksack Falls Area Exclave properties (3 tax parcels) from their current MRL Comprehensive Plan designation (retain underlying RF zoning designation). Add language to WCC 20.42.155 (RF conditional uses) to include the Nooksack Falls Area Exclave.

A. General Information – All applicants must complete this section.

Applicant Name: Ali Taysi / AVT Consulting
Mailing Address: 1708 F St City Bellingham
State WA Zip Code 98225 Phone # (360) 527-9445
Email ali@avtplanning.com

Agent/Contact Name: same as applicant
Mailing Address: _____ City _____
State _____ Zip Code _____ Phone # _____
Email _____

Please complete the questions below. Attach additional pages as needed

B. For Map Amendments

Parcel Information

Tax Parcel Number(s) (APN) 4008315801500000 & 4008314502000000 & 3908065505500000
Total Acreage - Gross ~60 acres Net: ~60 acres
Site Address 12251 Mt Baker Highway. Access off Wells Creek Road
Township: 40 Range: 08 Section: 31 ¼ Section: _____

Owner Name Excelsior Properties LLC & Excelsior Properties II LLC
Mailing Address: P.O. Box 1432 City Lewiston
State ID Zip Code 83501 Phone # _____
Email arch@westford.co

1. Existing Comprehensive Plan Designation: Mineral Resource Lands (MRL)
2. Existing Zoning Designation: Rural Forestry (RF)
3. Proposed Comprehensive Plan Designation: Rural Forestry (RF)
4. Proposed Zoning Designation: Rural Forestry (RF)

5. The Present Use of the Property is:

The Nooksack Falls Area is a popular tourist destination along the Mt Baker Highway with upwards of 50,000 annual visitors. The Property is used for recreation activities, including hiking, picnicking, wildlife viewing, visiting the Falls, cross country skiing and other similar activities. The Falls road provides access to Wells Creek which serves hiking areas in the Mt Baker wilderness. The Area is also developed with a power generation facility, associated outbuildings and infrastructure, and a single-family residence.

6. The Intended Future Use of the Property is:

There are no planned changes at this time to the uses on the property. The property owner would like to improve the recreational component of the property at some point in the future, in order to increase safety and accessibility to the Falls, and possibly adding improved parking, improved trails, a viewing platform for the Falls, a small cafe, an educational center, and/or rental cabins. None of these uses are proposed at this time of in the immediate future and no detailed plans have been prepared for any of these uses.

7. Surrounding Land Use:

Rural Forestry and National Forest

8. Services:

Please provide the following information regarding the availability of services:

The site is currently served by: Sewer Septic

If sewer the purveyor is: N/A

The site is currently served by: Public Water System Well

If public water the purveyor is: N/A

The site is located on a: Public Road Private Road

Name of Road: Wells Creek Road & Excelsior Group Site Road

Fire District #: 19 Name: Glacier Fire District

School District #: 507 Name: Mt Baker School District

C. For Text Amendments:

Identify the sections of the Comprehensive Plan and/or development regulation that you are proposing to change and provide the proposed wording.

WCC 20.42.155 The operations of facilities intended to provide education related to forestry, natural resources and wildlife and the purpose of this district, including but not limited to demonstration of forests and conservation laboratories, educational meeting facilities and related uses including rental cabins or other lodging structures, cooking and dining facilities, retail sales or meeting supplies and gifts, in the Foothills Subarea, South Fork Valley, the Newhalem Exclave and the Baker Lake Exclave <and the Nooksack Falls Exclave>, provided the following standards are met:

D. For All Amendments:

1. Why is the amendment needed and being proposed?

The amendment is necessary to add the Nooksack Falls Area Exclave to WCC 20.42.155 to provide the opportunity in the future for a possible educational center, cafe, lodging structures and other improvements related to access and safety, as well as interface with the historic power generation facility. The MRL Comprehensive Plan designation restricts the allowed uses at the Property and no mining is anticipated in the future. Removing this designation will facilitate future site improvements and the maintenance of this valuable and unique recreation and tourism opportunity in Whatcom County.

2. How does the proposed amendment conform to the requirements of the Growth Management Act?

The proposed amendment is consistent with the Growth Management Act because it will help to preserve and enhance a unique existing County tourist destination, while also preserving natural and sensitive areas, surrounding forestry uses and other activities. Preservation and enhancement of the Nooksack Falls Area as a privately held but publicly accessible tourist destination is consistent with GMA requirements related to environment, economics and other statewide land use goals. The proposed amendments will facilitate the continuation of the Falls as a tourist destination.

3. How is the proposed amendment consistent with the County-Wide Planning Policies for Whatcom County?

Similarly, preservation and enhancement of the Nooksack Falls area as a tourist destination is consistent with County Wide Planning Policies, which encourage environmental preservation, economic development, support for our unique natural areas, tourism, and other relevant land use goals and policies. The proposed amendments will facilitate the continuation of the Falls as a tourist destination.

4. How is the proposed amendment consistent with the Whatcom County Comprehensive Plan?

See response to #3 above.

5. If within an Urban Growth Area, how is the proposed amendment consistent with interlocal agreements between the County and the City?

N/A

6. What changed conditions or further studies indicate a need for the amendment?

The long term viability of the power generation facility is unclear and the property owners need to explore ways to enhance and improve the public access to the Falls, for both safety and security purposes, as well as to explore alternative sources of revenue. As interest in the Falls has increased over the years, and more people access the area, concerns have arisen regarding public safety.

7. How will the public interest be served by the amendment? Please address the factors identified below.

- The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the Comprehensive Plan.
- The anticipated effect upon the ability of the County and/or other service providers, such as cities, schools, water and/or sewer purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.

- Anticipated impact upon designated agricultural, forest and mineral resource lands.

The public interest will be served by the continuation of the Falls use as a tourist destination. The Falls are privately owned and operated and if the site can't be maintained and improved in a financially viable way then public access may not be sustainable in the long term. The proposal will not alter population growth or distribution, economic development or any other listed factor. The proposal will not alter demand on schools or utilities, and any future development would be required to address impacts to Fire, Life Safety, Transportation or other impacts. The proposal will have no impact on agricultural or forest lands. Removal of the MRL designation will not impact mineral resource lands because the three mining claims that make up the Falls are not commercially viable for mining activity, due to topography, environmental restrictions and other factors. The value of the Falls as a tourist destination far outweighs any mineral resource value.

8. Does the amendment include or facilitate illegal spot zoning? Yes No
Please explain.

E. Supporting Information – Attach the Following:

- A. A vicinity map showing property lines, roads, existing and proposed Comprehensive Plan and Zoning designations. (This information is required for map amendments only).
- B. Mailing labels with names and mailing addresses of the owners of all property included within the area proposed for re-designation and:
- For a map amendment within an existing urban growth area, mailing labels with the typed address of each property owner within 300 feet of the external boundaries of the subject property as shown by the records of the county assessor.
 - For a map amendment outside existing urban growth areas, mailing labels with the typed address of each property owner within 1,000 feet of the external boundaries of the subject property as shown by the records of the county assessor.

- For map amendments that involve rezoning property to an Airport Operations District, mailing labels with the typed address of each property owner within 1,500 feet of the external boundaries of the subject property as shown by the records of the county assessor.
- For map amendments that involve rezoning property to a Mineral Resource Land (MRL) designation, mailing labels with the typed address of each property owner within 2,000 feet of the external boundaries of the subject property as shown by the records of the county assessor.

C. State Environmental Policy Act (SEPA) Checklist

D. For Comprehensive Plan map amendments that propose to re-designate property to a MRL designation, a Comprehensive Plan MRL Application Supplement form is required.

F. Fees

Applicants pay a docketing fee when submitting an application and additional amendment application fees if the County Council decides to docket the application. The Whatcom County Code 22.10.020(3)(b) states that, when docketing an application, the county council may waive the application fees if it finds the proposed amendment would clearly benefit the community as a whole.

A. Are you requesting that the County Council waive the application fees?
 Yes No

If so, please describe how the proposed amendment clearly benefits the community as a whole.

The Falls are a County wide community asset, and are unique in that a private property owner voluntarily allows public access to the Falls for a variety of recreational purposes, while also maintaining a functional private business enterprise that provides renewable and efficient energy sources to the residents of the County all the way to Kendall. This property owner is interested in future improvement and enhancement of the Falls, which would generate greater interest and support not only the specific site, but recreational tourism in the Mt Baker National Park area in general. This supports businesses in Glacier and other Foothills communities, supports Mt Baker Ski Area, and has the potential to provide jobs and other benefits in the area. If the power generation facility closes and/or the tourism component of the Falls is not sustainable this will damage the community as a whole. The proposed amendments will facilitate future development actions at the Falls, increasing their long term viability, and benefiting the community as a whole.

NOTE: Fees will be assessed in accordance with the Whatcom County Unified Fee Schedule (UFS) in effect at the time of application submittal. Please contact Planning and Development Services to determine project specific fees. Click [here](#) to see the 2019/2020 UFS.

Per UFS 2843 all permits and applications are subject to a Technology fee. The fee is calculated on the permit/application fees due.

E. Authorization

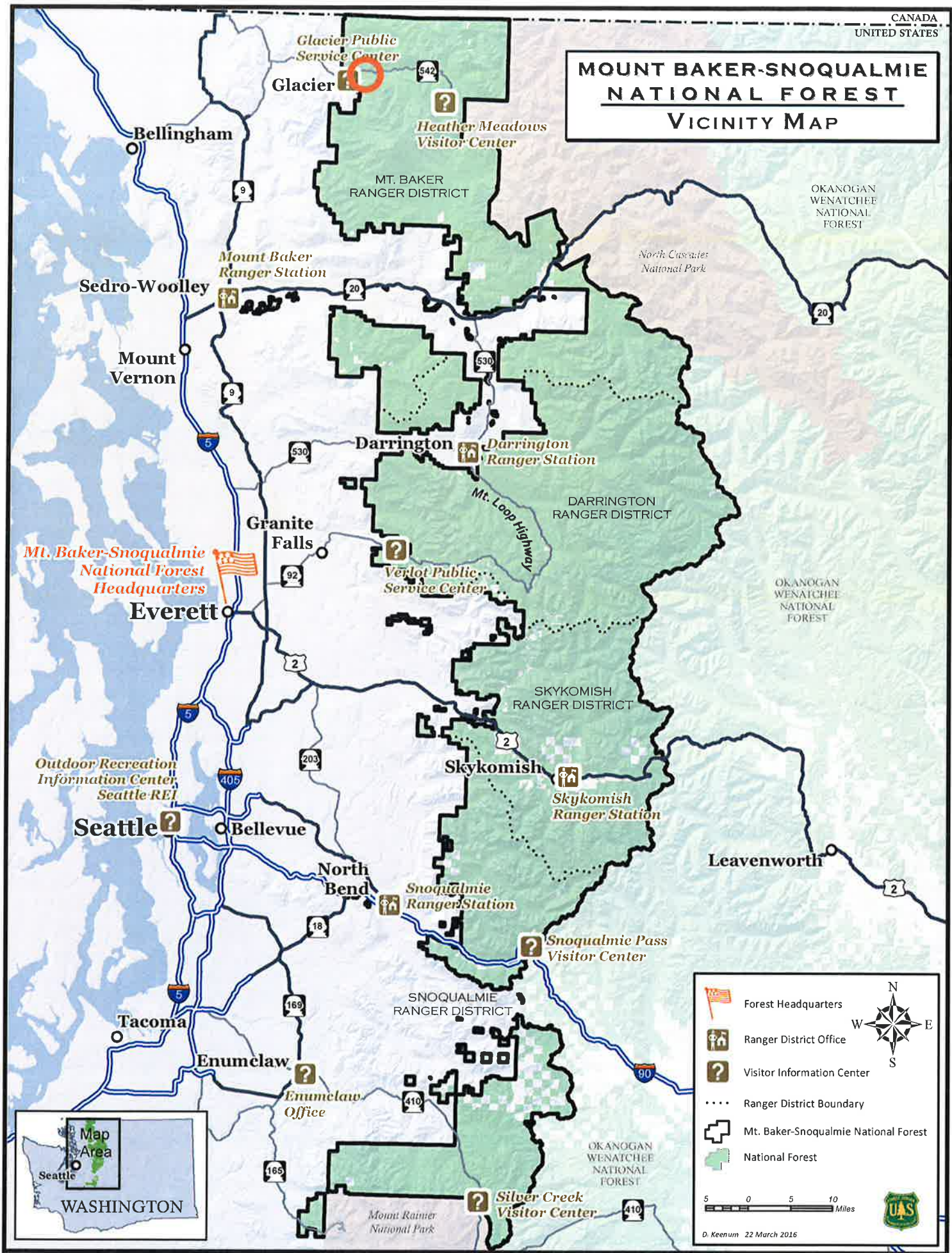
Signature of Applicant(s) or Agent:

 _____ Date: 12/30/19

_____ Date: _____

_____ Date: _____

MOUNT BAKER-SNOQUALMIE NATIONAL FOREST VICINITY MAP



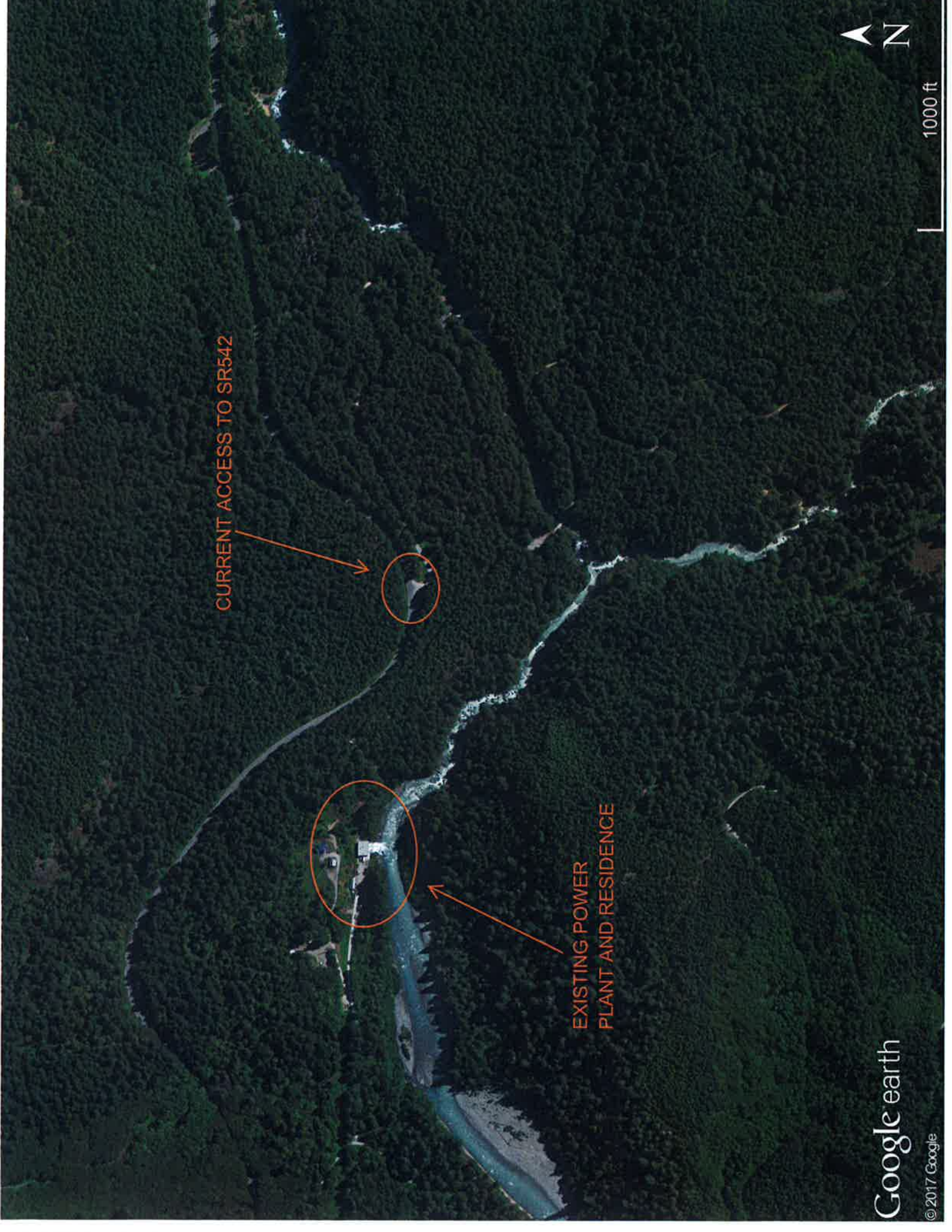
Mt. Baker-Snoqualmie National Forest Headquarters

- Forest Headquarters
- Ranger District Office
- Visitor Information Center
- Ranger District Boundary
- Mt. Baker-Snoqualmie National Forest
- National Forest



D. Keenum 22 March 2016





CURRENT ACCESS TO SR542

EXISTING POWER PLANT AND RESIDENCE



1000 ft

WHATCOM COUNTY

Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9097
360-778-5900, TTY 800-833-6384
360-778-5901 Fax



Mark Personius, AICP
Director

SEP _____ - _____

SEPA Environmental Checklist

Purpose of Checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of Checklist for Non-Project Proposals:

For non-project proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the Supplemental Sheet for Non-project Actions (Part C). Please completely answer all questions that apply and note that the words "project", "applicant", and "property or site" should be read as "proposal", "proponent" and "affected geographic area", respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements that do not contribute meaningfully to the analysis of the proposal.

A Background

- 1 Name of proposed project, if applicable:
Nooksack Falls Comprehensive Plan and Zoning Text Amendment
- 2 Name of applicant: Ali Taysi / AVT Consulting LLC
Applicant phone number: 360-527-9445
Applicant address: 1708 F St
City, State, Zip or Postal Code: Bellingham, WA 98225
Applicant Email address: ali@avtplanning.com
- 3 Contact name: Same as applicant
Contact phone number:
Contact address:
City, State, Zip or Postal Code:
Contact Email address:
- 4 Date checklist prepared: 12.31.18
- 5 Agency requesting checklist: Whatcom County
- 6 Proposed timing or schedule (including phasing, if applicable):
Legislative process in 2020. No project is proposed at this time.
- 7 Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? Yes No
If yes, explain:
If the proposed amendments are approved then at some time in the future an application may be made for development of the property with a variety of recreational uses. No plans are in place at this time for any specific development proposals.
- 8 List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal:
None
- 9 Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? Yes No
If yes, explain.
None

- 10 List any government approvals or permits that will be needed for your proposal, if known.

Comprehensive Plan Amendment

- 11 Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The proposal is to remove the MRL designation on the Nooksack Falls Area Exclave and replace this with a standard RF designation. The underlying zoning is currently RF but the Comp Plan designation is MRL, which limits the permitted uses for the property. The proposal includes a change in the zoning text for WCC 20.42.155 to include the Nooksack Falls Area Exclave. The proposal would apply to the entire Nooksack Falls Area Exclave, which consists of three tax parcels (3 mining claims) totaling approximately 60 acres. No specific development is proposed at this time, only the plan amendments.

- 12 Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The proposal is located on Wells Creek Road, off Mt Baker Highway (SR542).

B Environmental Elements

1 Earth

a. General description of the site:

- Flat
- Rolling
- Hilly
- Steep Slopes
- Mountainous
- Other

b. What is the steepest slope on the site (approximate percent slope)?

Unknown. 50%?

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

No soil information available on USDA Soil Survey online.

d. Are there surface indications or history of unstable soils in the immediate vicinity? Yes No

If so, describe.

e. Describe the purpose, type, total area, approximate quantities and total affected area of any filling excavation or grading proposed.

None.

Indicate source of fill.

None.

Indicate where excavation material is going.

None.

- f. Could erosion occur as a result of clearing, construction, or use?
Yes No

If so, generally describe.

N/A

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Non. No activity is proposed.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

N/A

2. Air

- a. What types of emissions to the air would result from the proposal during construction, operation and maintenance when the project is completed (i.e., dust, automobile, odors, or industrial wood smoke)?

None.

If any, generally describe and give approximate quantities if known.

None.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? Yes No

If so, generally describe.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

N/A

3. Water

a. Surface:

- (1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? Yes No

If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Nooksack River and Wells Creek are in the vicinity. Numerous small creeks and drainages criss cross the property, all flowing into the Nooksack River.

- (2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? Yes No

If yes, please describe and attach available plans.

No work is proposed.

- (3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected.

Indicate the source of fill material.

N/A

- (4) Will the proposal require surface water withdrawals or diversions? Yes No

Give general description, purpose, and approximate quantities if known.

N/A

Does the proposal lie within a 100-year floodplain?

Yes No

If so, note location on the site plan.

N/A

(5) Does the proposal involve any discharges of waste materials to surface waters?

Yes No

If so, describe the type of waste and anticipated volume of discharge

N/A

b. Ground Water:

(1) Will ground water be withdrawn from a well for drinking water or other purposes? Yes No

If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

N/A

(2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals.....; agricultural; etc.). Describe the general size of the system, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

None.

c. Water runoff (including stormwater):

(1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known).

Currently storm water runoff is generated from the existing road and parking lot, which are gravel. This runoff disperses into the adjacent forested areas. No changes are proposed to any roads/parking areas with this proposal.

Where will this water flow? N/A

Will this water flow into other waters? Yes No

If so, describe.

N/A

(2) Could waste materials enter ground or surface waters?

Yes No

If so, generally describe.

(3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site: Yes No

If so, describe.

No work is proposed

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

N/A

4 Plants

a. Check types of vegetation found on the site:

- Deciduous tree: alder, maple, aspen, other
- Evergreen tree: fir, cedar, pine, other
- Shrubs
- Grass
- Pasture
- Crop or grain
- Orchards, vineyards or other permanent crops
- Wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- Water plants: water lily, eelgrass, milfoil, other
- Other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

None.

c. List threatened or endangered species known to be on or near the site.

None known.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

N/A

e. List all noxious weeds and invasive species known to be on or near the site.

None known.

5. Animals

a. Check any birds and animals, which have been observed on or near the site or are known to be on or near the site:

Birds:

- Hawk,
 Eagle,
 Other:

- Heron,
 Songbirds;

Mammals:

- Deer,
 Elk,
 Other:

- Bear,
 Beaver;

Fish:

- Bass,
 Trout,
 Shellfish;

- Salmon,
 Herring,
 Other:

b. List any threatened or endangered species known to be on or near the site.

None known.

- c. Is the site part of a migration route? Yes No

If so, explain.

The entire Pacific Northwest is a part of the Pacific Flyway.

- d. Proposed measures to preserve or enhance wildlife, if any:

N/A

- e. List any invasive species known to be on or near site.

None known.

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

None.

- b. Would your project affect the potential use of solar energy by adjacent properties? Yes No

If so, generally describe.

N/A

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

None.

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? Yes No

If so, describe.

No work is proposed.

- (1) Describe any known or possible contamination at the site from present or past uses.

None.

- (2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

No development is proposed. There are no hazardous chemicals currently in use at the site. The site does include a power generation facility. No changes are proposed to these existing conditions.

- (3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the projects development or construction, or at any time during the operating life of the project.

None. Power is generated at the facility, which is secure, and has been in operation for over 100 years.

- (4) Describe special emergency services that might be required.

None.

- (5) Proposed measure to reduce or control environmental health hazards, if any:

N/A

b. Noise

- (1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

None.

- (2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

None. No development is proposed.

- (3) Proposed measures to reduce or control noise impacts, if any:

N/A

8 Land and Shoreline Use

a. What is the current use of the site and adjacent properties?

Will the proposal affect current land uses on nearby or adjacent properties? Yes No
If so, describe.

b. Has the project site been used as working farmlands or working forest lands? Yes No
If so, describe.

How much agriculture or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any?

None.

If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to non-farm or non-forest use?

N/A

(1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversized equipment access, the application of pesticides, tilling and harvesting? Yes No

If so, how:

c. Describe any structures on the site.

There is a power generation facility below the Falls, a single family residence, several outbuildings, roads, trails and other recreational improvements.

d. Will any structures be demolished?
If so, what?

Yes No

e. What is the current zoning classification of the site?

RF

f. What is the current comprehensive plan designation of the site?

MRL

g. If applicable, what is the current shoreline master program designation of the site?

Conservation

h. Has any part of the site been classified as a critical area by the city or county? Yes No
If so, specify.

The area within 150' of the OHWM of the Nooksack River is considered a Habitat Conservation Area. The entire area is subject to several geohazard designations.

i. Approximately how many people would reside or work in the completed project?

N/A

j. Approximately how many people would the completed project displace?

N/A

k. Proposed measures to avoid or reduce displacement impacts, if any:

N/A

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Application is being made for a Comprehensive Plan Amendment and also Zoning Text Amendment. These requests will be reviewed and if necessary conditioned to insure compliance with land use plans.

m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any?

None necessary. The proposal is to retain a RF designation.

9 Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

High Number of Units *None.*
 Middle
 Low-income

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

High Number of Units *None.*
 Middle
 Low-income

- c. Proposed measures to reduce or control housing impacts, if any:

N/A

10 Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

N/A

- b. What views in the immediate vicinity would be altered or obstructed?

None.

- c. Proposed measures to reduce or control aesthetic impacts, if any:

N/A

11 Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

None.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

N/A

- c. What existing off-site sources of light or glare may affect your proposal?

None.

- d. Proposed measures to reduce or control light and glare impacts, if any:

None.

12 Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

Nooksack Falls and Wells Creek Road provide formal and informal opportunities for hiking, cross country skiing, wildlife viewing and other activities.

- b. Would the proposed project displace any existing recreational uses? If so, describe.

No.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

N/A

13 Historic and Cultural Preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state or local preservation registers located on or near the site? Yes No
If so, specifically describe.

The power generation facility is over 45 years old.

- b. Are there any landmarks, features, or other evidence of Indian, historic use or occupation, this may include human burials or old cemeteries?

Yes No

Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Yes No

Please list any professional studies conducted at the site to identify such resources.

None.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples: Include consultation with tribes and the Department of Archeology and Historic Preservation, archaeological surveys, historic maps, GIS data, etc.

Review of historic records available from property owner, County and DAHP resources.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

N/A

14 Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plan, if any.

The site is served by Mt Baker Highway (SR542), and accessed via Wells Creek Road.

- b. Is site or geographic area currently served by public transit?

Yes No

If not, what is the approximate distance to the nearest transit stop?

The nearest transit stop is in Kendall, approximately 15 miles east on SR542.

- c. How many parking spaces would the completed project have? How many would the project eliminate?

N/A

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? Yes No

If so, generally describe (indicate whether public or private).

e. Will the project use (or occur in the immediate vicinity of)

- Water,
 Rail, or
 Air transportation?
If so, generally describe.

No.

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates?

N/A - No change from existing conditions.

g. Proposed measures to reduce or control transportation impacts, if any:

N/A

15 Public Services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)?

Yes No

If so, generally describe.

b. Proposed measures to reduce or control direct impacts on public services, if any.

N/A

16 Utilities

a. Check utilities currently available at the site:

- Electricity,
 Water,
 Telephone,
 Septic system,

- Natural gas,
 Refuse service,
 Sanitary sewer,
 Other

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

None.

Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:  _____

Date Submitted: 12/31/2019

FOR OFFICE USE ONLY

Reviewed by Whatcom County Planning & Development Services Staff

Staff Signature

Date

C Supplemental Sheet for Non-project Actions

(It is not necessary to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent the proposal or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

- 1 How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposal would not increase discharges to water, emissions to air, or release of toxic or hazardous substances. The proposal is only to change the MRL designation to RF, which would allow a broader range of uses. No actual improvements are proposed.

Proposed measures to avoid or reduce such increases are:

Any future project proposed under the RF designation would require various County permits and reviews, which would ensure compliance with any applicable regulations, and could be conditioned to address any potential impacts.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposal would not impact plants, animals, fish or marine life. The Falls are currently utilized for recreational purposes and this would not change.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

N/A

3. How would the proposal be likely to deplete energy or natural resources?

The proposal would not deplete energy or natural resources. It is possible that future development could utilize power from the onsite power generation facility, increasing energy efficiency at the site.

Proposed measures to protect or conserve energy and natural resources are:

None.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposal would not change any existing uses on the property or the current access to the property or surrounding properties. Future specific use proposals would be regulated by adopted local, state and federal environmental regulations.

Proposed measures to protect such resources or to avoid or reduce impacts are:

Any future activity or new use would be permitted through applicable local, state and federal agencies. Buffers of any environmentally sensitive areas would be protected consistent with adopted regulations. Mitigation would be provided for any unavoidable impacts.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposal would not change current land and shoreline use. It is possible that future permitted activity, such as additional parking, trail improvements or other similar actions could affect land and shoreline use, but no actions are proposed at this time. All future actions would be consistent with the underlying RF zoning.

Proposed measures to avoid or reduce shoreline and land use impacts are:

Any future activity would require permitting and this would allow conditions as necessary to ensure impacts to shoreline and land use are avoided or reduced as much as possible.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

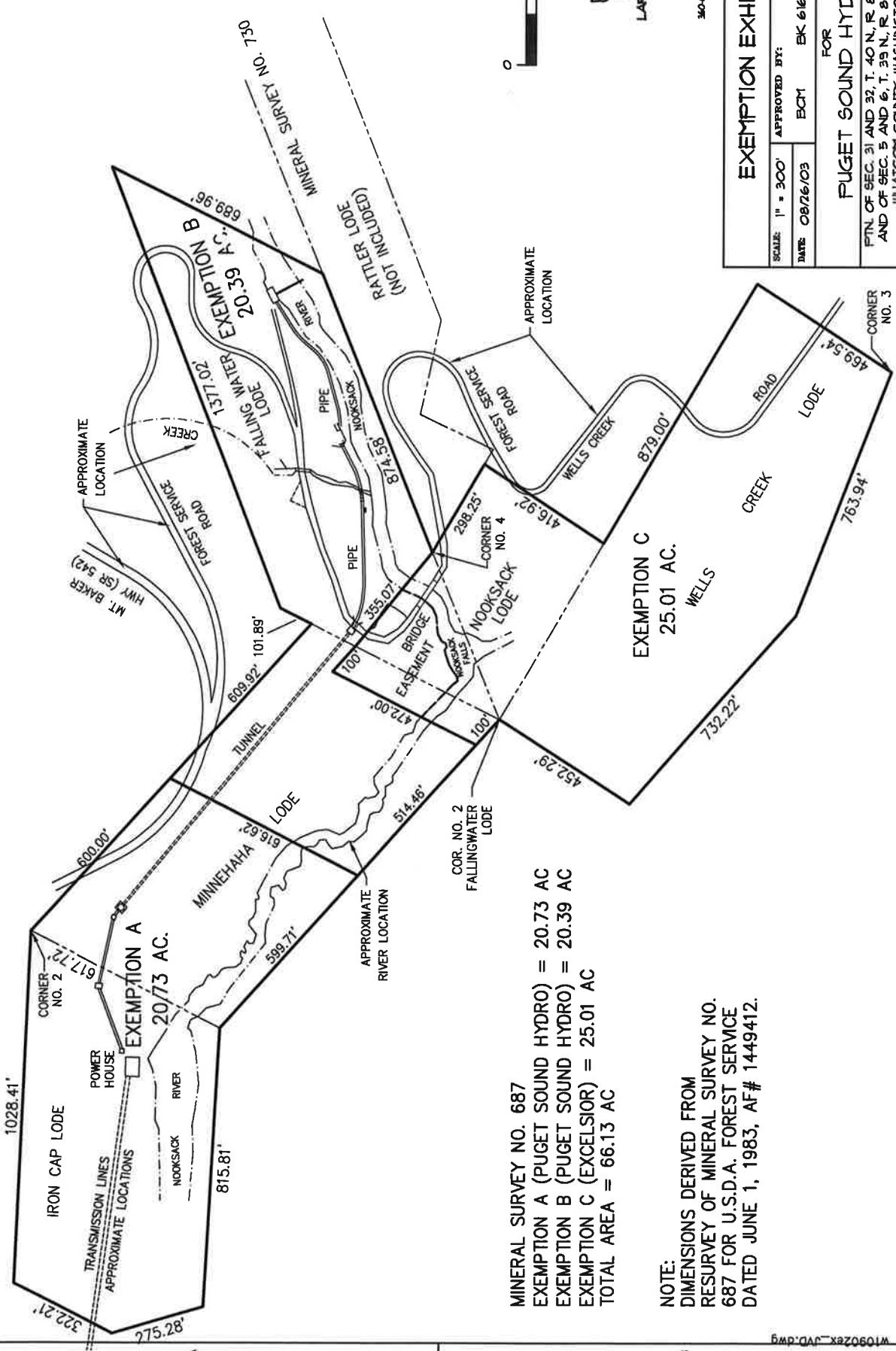
The proposal would not alter demand on transportation, public services or utilities. Future development could increase this demand.

Proposed measures to reduce or respond to such demand(s) are:

No specific project is proposed, however at the time of a future project proposal, specific impacts on transportation, public services and utilities would be evaluated and any potential increases in demand would be appropriately mitigated through permit conditions.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposal does not conflict with any local, state or federal laws related to the protection of the environment.

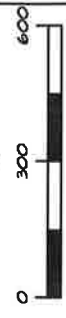


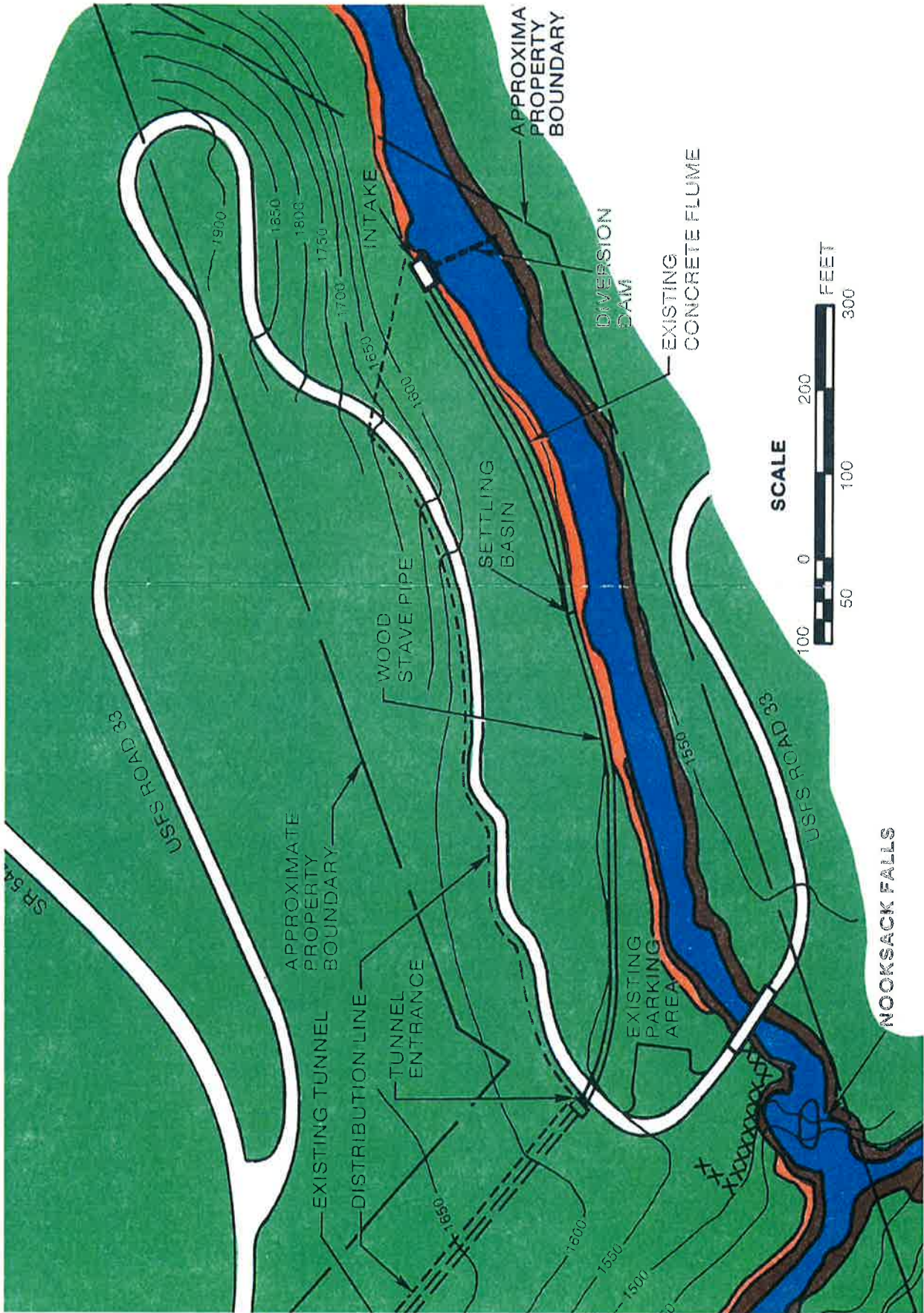
MINERAL SURVEY NO. 687
 EXEMPTION A (PUGET SOUND HYDRO) = 20.73 AC
 EXEMPTION B (PUGET SOUND HYDRO) = 20.39 AC
 EXEMPTION C (EXCELSIOR) = 25.01 AC
 TOTAL AREA = 66.13 AC

NOTE:
 DIMENSIONS DERIVED FROM
 RESURVEY OF MINERAL SURVEY NO.
 687 FOR U.S.D.A. FOREST SERVICE
 DATED JUNE 1, 1983, AF# 1449412.

EXEMPTION EXHIBIT MAP	
SCALE: 1" = 300'	APPROVED BY: CHC/JVD
DATE: 08/26/03	BCM BK 6/16/21
FOR PUGET SOUND HYDRO, L.L.C.	
PTN. OF SEC. 31 AND 32, T. 40 N., R. 8 E., W. 11, AND OF SEC. 5 AND 6, T. 35 N., R. 8 E., W. 11, WHATCOM COUNTY, WASHINGTON	
JOB NUMBER: 10902	

LARRY STEELE & ASSOCIATES
 LAND SURVEYORS
 SUITE 104
 103 LINCOLN ST. B
 BELLINGHAM WA 98225
 360-878-5860





3

2

1

A

B

A

B

3

2

1

3

2

1

A

A

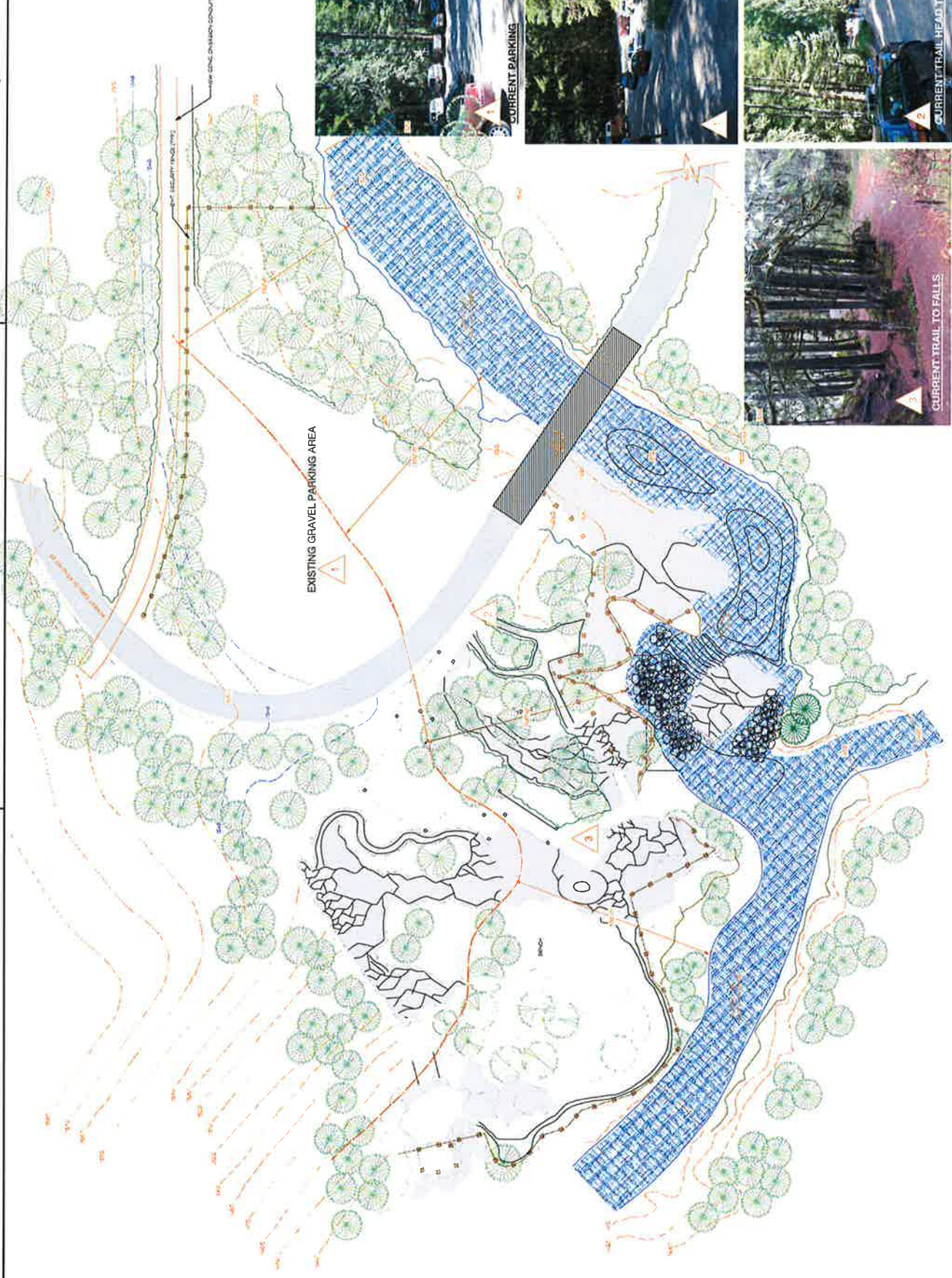
B

B

3

2

1



Whatcom County Assessor & Treasurer

Property Search Results > 111776 EXCELSIOR PROPERTIES LLC for Year 2018 - 2019

Property

Account

Property ID:	111776	Legal Description:	TR IN SECS 5-6 39-8E-IN SECS 31-32 40-8E-THAT PTN OF FOL PATENTED LODGE MINING CLAIMS IN MT BAKER MINING DISTRICT BEING PTN OF MINERAL CERTIFICATE 157 DESC AF 93373 DAF-ALL WELLS CREEK-NOOKSACK LODGES-SELY 100 FT OF SWLY 472 FT OF NWLY LI OF NOOKSACK LODGE
Parcel # / Geo ID:	3908065505500000	Agent Code:	
Type:	Real		
Tax Area:	7002 - 507 R L	Land Use Code	85
Open Space:	N	DFL	N
Historic Property:	N	Remodel Property:	N
Multi-Family Redevelopment:	N		
Township:	T39N	Section:	06
Range:	R08E	Legal Acres:	25.0100

Location

Address:	MT BAKER HWY MOUNT BAKER, WA	Mapsco:	
Neighborhood:	3270027900	Map ID:	3JS_RNG6-E
Neighborhood CD:	3270027900		

Owner

Name:	EXCELSIOR PROPERTIES LLC	Owner ID:	40490
Mailing Address:	PO BOX 1432 LEWISTON, ID 83501-1432	% Ownership:	100.0000000000%

Exemptions:

Pay Tax Due

Taxes and Assessment Details

Values

Map List

Taxing Jurisdiction

Improvement / Building

Sketch

No sketches available for this property.

Property Image

This property contains TIFF images. Click on the button(s) to download the full image (which may contain multiple pages).

300005 000500 0000

WHATCOM COUNTY ASSESSOR CALCULATOR COST FORM

Sheet of

1. Parcel Number: 130002 000000 0000
 2. Property Address: 12251 Mt Baker Hwy
 3. DBA: Nookack Falls Power Plant

Approved by: NR
 Date: 11/08/04

IMPROVEMENT DESCRIPTION	SECTION I	SECTION V	SECTION II	SECTION W	SECTION Y
4. Occupancy					
5. Building Class					
6. Building Quality					
7. Exterior Wall					
8. Stories					
9. Height per Story					
10. Average Floor Area	1500sq				
11. Bldg. Permitted No. of Units	1000-1331				
12. Year of Construction	Per				
13. Concrete	1100.00				
14. Basic Sq. Ft. Cost					
SQUARE FOOT REFINEMENTS					
15. HVAC Adjustment					
16. Elevator Deduction					
17. Misc. Adjustment	1100.00				
18. Total Lines 14-17					
HEIGHT AND SIZE REFINEMENTS					
19. No. of Stories Multiplier					
20. Story Height Multiplier					
21. Area Perimeter Multiplier					
22. Combined Ht. & Size Multiplier					
23. Refined Sq. Ft. Cost	1100.00				
24. Current Cost Multiplier					
25. Local Multiplier	1.10778				
26. Field Sq. Ft. Cost	1220.00				
27. Total Sq. Footage					
28. Basic Replacement Cost	1,733,000				
29. Lump Sum Adjustments					
30. Basic Replacement Cost	1733000				
31. Depreciation Percentage	10%				
32. Depreciation Amount	173300				
33. Depreciated Cost	1559700				
TOTAL OF ALL SECTIONS					
34. Income Cost	1733000				
35. Total Replacement Cost	1559700				
36. Total Depreciated Cost	1559700				
37. TOTAL ASSESSED VALUE	\$1,559,700				

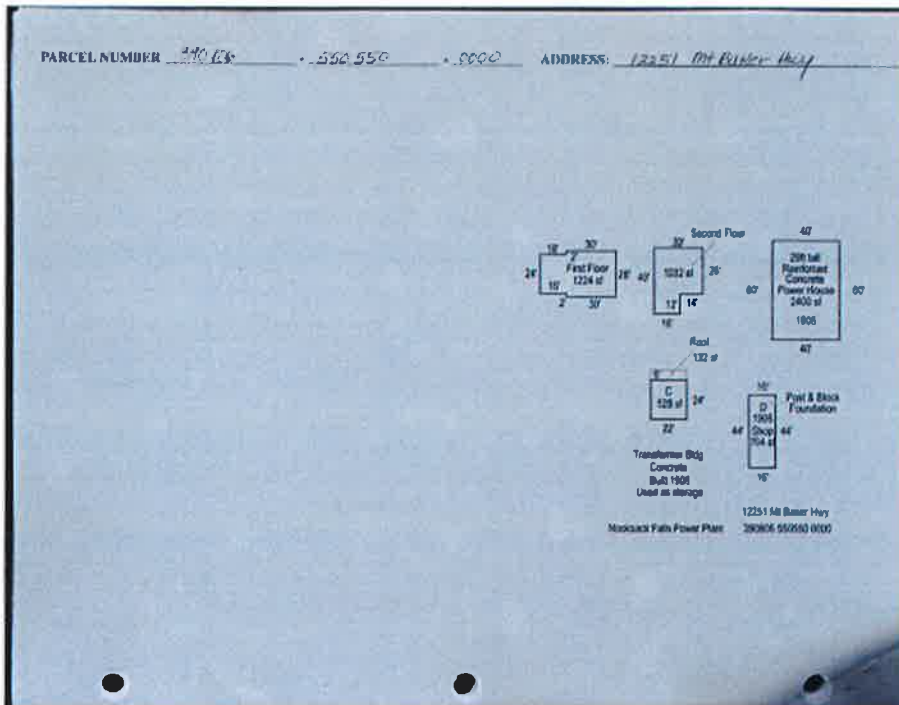
NOTES

1733000 Used generator and new electronic control related after purchase as well as a backup generator used when the grid goes down.

Nookack Falls Power Plant
300005-000500-0000
12251 Mt Baker Hwy

Completion Dates: 1900 and 1931

EXISTING FACILITIES	Type	Dimensions
DAM	Overflow timber crib	72ft (21.9m) long by 9ft (2.7m) high North Fork Nookack River
INTAKE	Reinforced concrete Four - intake type Gate sizes	6.6ft (1.99m) x 6ft (1.8m) W
PLUMB	Reinforced concrete box	450ft (137m) 8.5ft (2.6m) x 6.5ft (2.0m) W
ROCK TRAP	Reinforced concrete	30ft (9.1m)
PIPELINE	Low Pressure Steel Conduit	500ft (152.4m) 36 (1.8m)
TUNNEL	Unreinforced Hard Rock	1,020ft (311m) 36 (2.7m) H x 36 (2.7m) W
SURGE TANK	Reinforced concrete overflow	
PENSTOCK	Steel	470ft (143m) 36 (1.8m)
POWER-HOUSE	Reinforced concrete	40ft (12.2m) x 60ft (18.3m) x 20ft (6.1m) High
TURBINE	One - Horizontal shaft impulse Pelton Wheel - 1910	7,000 hp (5.2 MW) 155ft (47.2m)
GENERATOR	Horizontal Capacity 1,500hp - purchased used	
SHOP	Wood frame - steel and brick foundation - metal roof	1500-1010 16ft x 44ft x 8ft tall
TRANSFORMER BUILDING	Concrete - 1908 - 1910	22ft x 24ft with 6ft x 20ft roof - Now used for storage See appraisal report sheet



Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	8590	MINING CLAIM	25.0100	1089435.60	0.00	0.00	\$12,505	\$0

Roll Value History

Deed and Sales History

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Sale Price	Excise Number	Deed Number
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1	04/08/2004	QUIT CLAIM	QUIT CLAIM DEED	PUGET SOUND HYDRO LLC	EXCELSIOR PROPERTIES LLC	0	\$0.00	200494325	2040403394
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Payout Agreement

[Assessor Home](#)

[Treasurer Home](#)

Website version: 9.0.40.29

Database last updated on: 12/31/2018 2:34 AM

© N. Harris Computer Corporation

Whatcom County Assessor & Treasurer

Property Search Results > 147508 EXCELSIOR PROPERTIES II LLC for Year 2018 - 2019

Property

Account

Property ID:	147508	Legal Description:	TR IN SECS 31-32 40-8E-IN SECS 5-6 39-8E DAF-ALL IRON CAP LODGE-NWLY 600 FT AS MEAS ALG NELY LI OF MINNEHAHA LODGE BEING PATENTED LODGE MINING CLAIMS-PTN OF MINERAL CERTIFICATE 157 DESC AF 93373
Parcel # / Geo ID:	4008314502000000	Agent Code:	
Type:	Real		
Tax Area:	7002 - 507 R L	Land Use Code	48
Open Space:	N	DFL	N
Historic Property:	N	Remodel Property:	N
Multi-Family Redevelopment:	N		
Township:	T40N	Section:	31
Range:	R08E	Legal Acres:	20.7300

Location

Address:	12251 MT BAKER HWY MOUNT BAKER, WA	Mapsco:	
Neighborhood:	3270027900	Map ID:	3C3_SLVRLK
Neighborhood CD:	3270027900		

Owner

Name:	EXCELSIOR PROPERTIES II LLC	Owner ID:	501699
Mailing Address:	PO BOX 1432 LEWISTON, ID 83501-1432	% Ownership:	100.0000000000%
		Exemptions:	

Pay Tax Due

Taxes and Assessment Details

Values

Map List

Taxing Jurisdiction

Improvement / Building

Improvement #1: COMMERCIAL IMPROVEMENT **State Code:** 4812 3104.0 sqft **Value:** \$1,583,549
HVAC: SPHT LIFE EXPECTANCY: 35

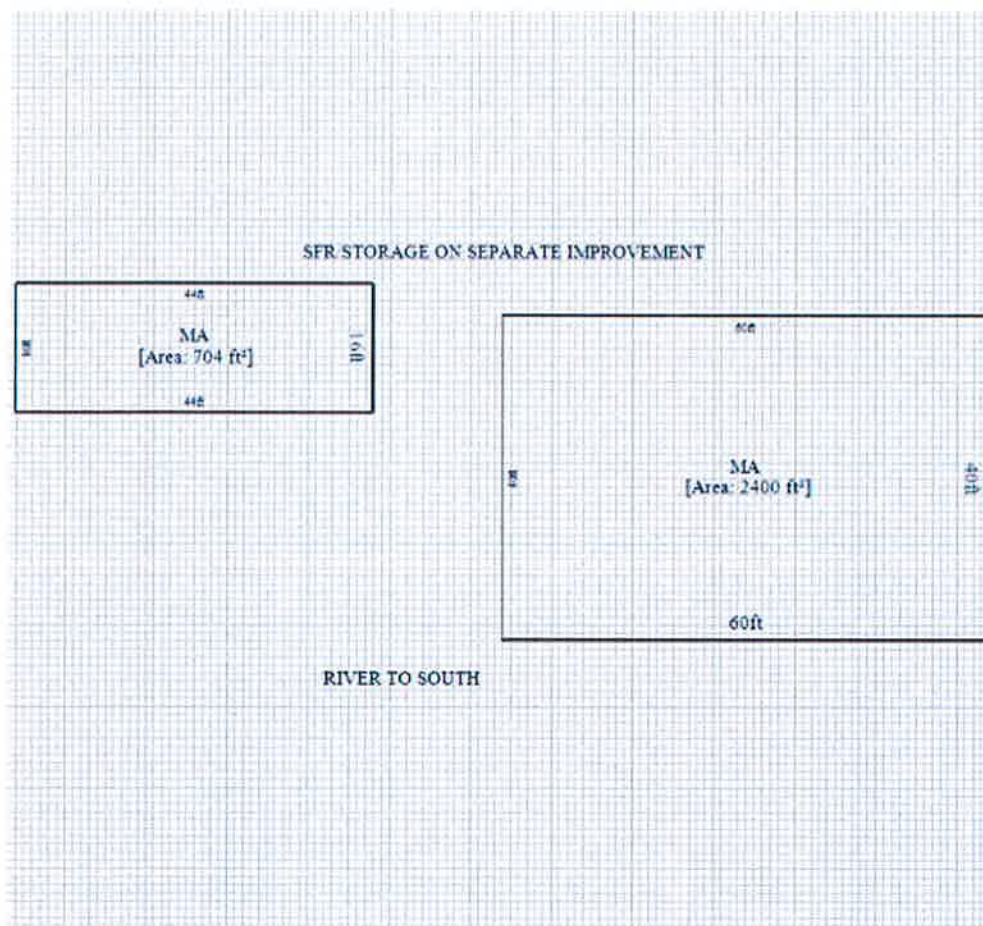
Type	Description	Class CD	Sub Class CD	Year Built	Area
C-MISC IMP	COMCL Misc Lump Sum Imp	C		1906	1500.0
MA	Main Area 1	C	LC	1906	2400.0
MA	Main Area 1	D	A	1906	704.0

Improvement #2: 1.5 STORY (Finished) **State Code:** 4812 2256.0 sqft **Value:** \$181,912

Exterior Wall:	SI/ST	Fixtures:	10
Floor Cov Adj:	Base Allowance	Flooring:	CARPT
Foundation:	CONPR	Full Baths:	2
Heating/Cooling:	F/A	Interior Finish:	FIN
Number of Bedrooms:	4	Roof Covering:	METAL

Type	Description	Class CD	Sub Class CD	Year Built	Area
MA	Main Area 1	AVG +	*	2004	1224.0
STOR	ADDNS-Storage Bldg	GOOD	*	1910	528.0
MA2	Main Area 2	AVG +	*	2004	1032.0
Deck	Deck	AVG		2004	192.0

Sketch



Property Image

This property contains TIFF images. Click on the button(s) to download the full image (which may contain multiple pages).

40831 40020 0000

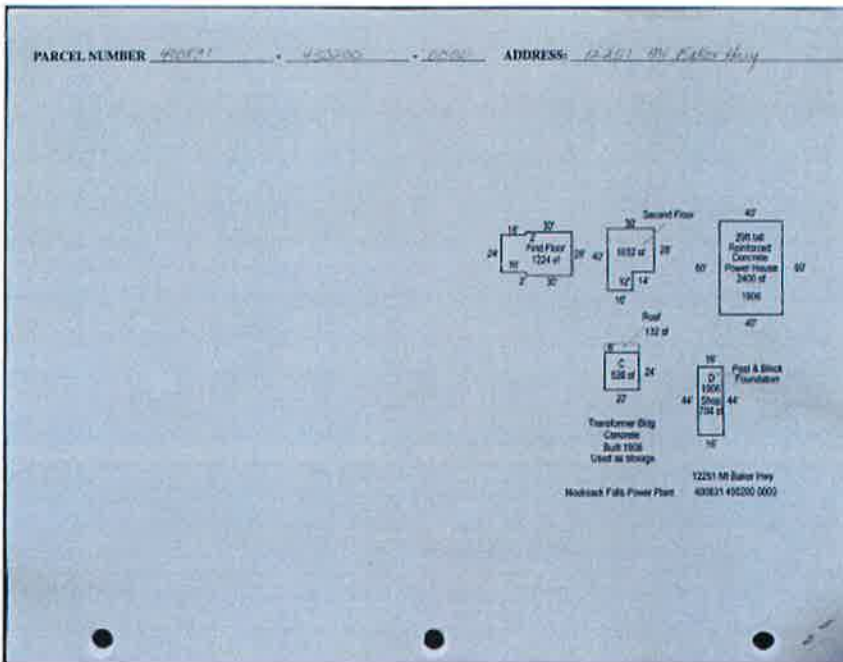
WHATCOM COUNTY ASSESSOR CALCULATOR COST FORM

Sheet of 28
Approved by DK
Date 11/22/2018

SQUARE FOOT COSTS
 1. Parcel Number: 40831 40020 0000
 2. Property Address: 12251 Mt Baker Hwy
 3. DCA: Nodakco Falls Power Plant

IMPROVEMENT DESCRIPTION	SECTION I	SECTION II	SECTION III	SECTION IV	SECTION V
4. Occupancy: <u>Industrial</u>					
5. Section					
6. Page					
7. Building Class					
8. Building Quality					
9. Exterior Wall					
10. Sillings					
11. Height per Story					
12. Average Floor Area					
13. Blg Perimeter of Unit					
14. Year of Construction					
15. Condition					
16. Hook Sq. Ft. Cost					
SQUARE FOOT REPAIRMENTS					
17. HVAC Adjustment					
18. Elevator Adjustment					
19. Misc. Adjustment					
20. Total Line 16-19					
HEIGHT AND SIZE REPAIRMENTS					
21. No. of Stories Multiplier					
22. Story Height Multiplier					
23. Area Perimeter Multiplier					
24. Combined Ht. & Size Multiplier					
25. Refund Sq. Ft. Costs					
26. Current Cost Multiplier					
27. Load Multiplier					
28. Final Sq. Ft. Cost					
29. Total Sq. Footage					
30. Base Replacement Cost					
31. Long Run Adjustment					
32. Base Replacement Cost					
33. Depreciation Percentage					
34. Depreciation Amount					
35. Discounted Cost					
TOTAL OF ALL SECTIONS					
36. Insure Cost					
37. Total Replacement Cost					
38. Total Depreciated Cost					
17. TOTAL ASSESSED VALUE					

NOTES:
 30000000 used generator and new electronic controls installed after purchase as well as a heliport constructed when the grid goes down.



40051 AND200 0000

WHATCOM COUNTY ASSESSOR CALCULATOR COST FORM

Sheet of **100**
Approved by **TW**
Date **11/29/2018**

SQUARE FOOT COSTS
 1. Parcel Number: 40051 AND200 0000
 2. Property Address: 13251 Mt Baker Hwy
 3. Date: Northwest Expo Center Phase

IMPROVEMENT DESCRIPTION

SECTION 4	SECTION 5	SECTION 6	SECTION 7	SECTION 8	SECTION 9
4. Occupancy					
5. Decking					
6. Siding					
7. Exterior Walls					
8. Sillings					
9. Height per Story					
10. Average Floor Area					
11. Story Factor/Multiplier					
12. Year of Construction					
13. Condition					
14. Base Sq Ft Cost					

SQUARE FOOT REFINEMENTS

15. HVAC Equipment					
16. Elevator (Inclusion)					
17. Misc. Adjustments					
18. Total Lines 14-17					

HEIGHT AND SIZE REFINEMENTS

19. No. of Stories Multiplier					
20. Story Height Multiplier					
21. Area Perimeter Multiplier					
22. Combined Ht. & Story Multiplier					

FINAL CALCULATIONS

23. Refined Sq Ft Costs					
24. Current Code Multiple					
25. Local Multiplier					
26. Photo Sq Ft Cost					
27. Total Sq Ft Foreign					
28. Base Replacement Cost					
29. Landmark Adjustment					
30. Base Replacement Cost					
31. Depreciation Percentage					
32. Depreciation Amount					
33. Depreciated Cost					
34. Inspec Code					
35. Total Replacement Cost					
36. Total Depreciated Cost					
37. TOTAL ASSESSED VALUE					

NOTES
 1. This value generated and new structure shown instead after purchase
 2. This value as well as a backup generated when the gift was shown

\$1,688,800











FIG. 102 Plot of 191 Cornwall's Nooknock Falls Mining Claims



Schematic of the Nooknock Falls Hydroelectric Project

Enter Stone & Webster

Charles Stone and Edwin Webster met in 1884 while studying electrical

In 1902, Mr. Cornwall and the on behalf of BBIC, staked a in Glacier, Washington. These claim surrounding area. They were an costly method of acquiring federal development. Cornwall had der acquire title to the property for the property as a hydroelectric been \$33,000, followed by \$6,5 quitclaim mining deeds, Cornwall claims. In 1903 he, in turn, quit records allege that Cornwall as property transfers to disguise th alleged that Cornwall had "able substantiate his mining claims. I would strongly suggest that, fro as conduits to convey water to mining operation, development underway.

In 1903 the towns of Whatcom Bellingham. In spite of some du City Council granted BBIC a th

In 1904 a land patent was issue Water, Wells Creek, and Nooknock that had earlier been executed b legal title to the hydroelectric sit of a Federal Court case finally a

The suspicious sequence of own transfer of the property in Jame used a single deed to transfer or generator and powerhouse equi Bellingham) to the Whatcom Co





Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	4812	ELEC GEN PLT	1.0000	43560.00	0.00	0.00	\$100,000	\$0
2	4812	ELEC GEN PLT	19.7300	859438.80	0.00	0.00	\$9,865	\$0

Roll Value History

Deed and Sales History

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Sale Price	Excise Number	Deed Number
1	02/19/2013	SWD	SWD	PUGET SOUND HYDRO LLC	EXCELSIOR PROPERTIES II LLC			\$1,958,230.00	175514	2130202399
		147509	EXCELSIOR PROPERTIES II LLC	MT BAKER HWY MOUNT BAKER, WA	TR IN SECS 31-32 40-8E-IN SECS 5-6 39-8E THAT PTN OF FOL PATENTED LODGE MINING CLAIMS IN MT BAKER MINING DISTRICT BEING PTN OF MINERAL CERTIFICATE 157 DESC AF 93373 DAF-MINNEHAHA LODGE-EXC NWLY 600					
2	04/08/2004	QUIT CLAIM	QUIT CLAIM DEED	PUGET SOUND HYDRO LLC	PUGET SOUND HYDRO LLC	0		\$0.00	200494323	2040403396

Payout Agreement

[Assessor Home](#)

[Treasurer Home](#)

Whatcom County Assessor & Treasurer

Property Search Results > 147509 EXCELSIOR PROPERTIES II LLC for Year 2018 - 2019

Property

Account

Property ID:	147509	Legal Description:	TR IN SECS 31-32 40-8E-IN SECS 5-6 39-8E THAT PTN OF FOL PATENTED LODGE MINING CLAIMS IN MT BAKER MINING DISTRICT BEING PTN OF MINERAL CERTIFICATE 157 DESC AF 93373 DAF-MINNEHAHA LODGE-EXC NWLY 600
Parcel # / Geo ID:	4008315801500000	Agent Code:	
Type:	Real		
Tax Area:	7002 - 507 R L	Land Use Code	85
Open Space:	N	DFL	N
Historic Property:	N	Remodel Property:	N
Multi-Family Redevelopment:	N		
Township:	T40N	Section:	31
Range:	R08E	Legal Acres:	20.3900

Location

Address:	MT BAKER HWY MOUNT BAKER, WA	Mapsco:	
Neighborhood:	3270027900	Map ID:	3JS_RNG6-E
Neighborhood CD:	3270027900		

Owner

Name:	EXCELSIOR PROPERTIES II LLC	Owner ID:	501699
Mailing Address:	PO BOX 1432 LEWISTON, ID 83501-1432	% Ownership:	100.000000000000%
		Exemptions:	

Pay Tax Due

Taxes and Assessment Details

Values

Map List

Taxing Jurisdiction

Improvement / Building

Sketch

No sketches available for this property.

Property Image

No image available for this property.

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	8590	MINING CLAIM	20.3900	888188.40	0.00	0.00	\$20,390	\$0

Roll Value History

Deed and Sales History

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Sale Price	Excise Number	Deed Number
1	02/19/2013	SWD	SWD	PUGET SOUND HYDRO LLC	EXCELSIOR PROPERTIES II LLC			\$1,958,230.00	175514	2130202399
		147508	EXCELSIOR PROPERTIES II LLC	12251 MT BAKER HWY MOUNT BAKER, WA	TR IN SECS 31-32 40-8E-IN SECS 5-6 39-8E DAF-ALL IRON CAP LOD-NEWLY 600 FT AS MEAS ALG NELY LI OF MINNEHAHA LOD BEING PATENTED LOD MINING CLAIMS-PTN OF MINERAL CERTIFICATE 157 DESC AF 93373					
2	04/08/2004	QUIT CLAIM	QUIT CLAIM DEED	PUGET SOUND HYDRO LLC	PUGET SOUND HYDRO LLC	0		\$0.00	200494324	2040403395

Payout Agreement

[Assessor Home](#)[Treasurer Home](#)



2130202399

Page: 1 of 6
2/19/2013 4:05 PM
DEED \$77.00
Whatcom County, WA

Request of: FIRST AMERICAN TITLE INSURANCE

AFTER RECORDING RETURN TO:

Brett N. Wiese
Inslee, Best, Doezie & Ryder, P.S.
777 - 108th Avenue N.E., Suite 1900
P. O. Box 90016
Bellevue, WA 98009-9016

1818726

STATUTORY WARRANTY DEED

Grantor(s): Puget Sound Hydro, L.L.C., a Washington limited liability company

Grantee(s): Excelsior Properties II, LLC, a Washington limited liability company

Abbreviated Legal Description: PTN SEC 31 AND 32 TWP 40N RGE 8E AND SEC 5 AND 6 TWP 39N RGE 8E, WHATCOM COUNTY (Complete legal description on Exhibit A)

Assessor's Tax Parcel ID#: 400831 450200 0000/PID #147508
400831 580150 0000/PID #147509

THE GRANTOR, PUGET SOUND HYDRO, L.L.C., a Washington limited liability company, for and in consideration of Ten Dollars (\$10.00) in hand paid, conveys and warrants to GRANTEE, EXCELSIOR PROPERTIES II, LLC, a Washington limited liability company, the following described real estate, situated in the unincorporated County of Whatcom, State of Washington:

See Exhibit A attached hereto and made a part hereof as if set forth herein (the "Property").

RESERVING THEREFROM: All right, title, and interest in and to water rights claim #85 associated with, used in connection with, and/or appurtenant to the Property;

RESERVING THEREFROM: All right, title, and interest in and to the "Project" as defined in Section 1.14 of that certain Power Purchase Agreement dated as of September 26, 2008, between Puget Sound Energy, Inc. ("PSE") and Tenant or Section 1.16 of that certain Schedule 91 Power Purchase Agreement between PSE and Tenant issued October 13, 2008 (collectively the "PPA"), or (ii) the "Generating Facility" as defined in

Attachment 1 to that certain Schedule 80 Interconnection Agreement between PSE and Tenant issued January 31, 2008 (the "ICA");

RESERVING THEREFROM: All right, title, and interest for PSE to travel across certain portions of the Property necessary to access the "Project" and the "Generating Facility" (as such terms are defined above) in accordance with the terms and conditions of the licenses and permits granted by Grantor to PSE as specifically set forth in the PPA and the ICA.

SUBJECT TO: the Notice set forth on attached Exhibit B.

DATED: February 19, 2013.

GRANTOR:

PUGET SOUND HYDRO, L.L.C., a Washington limited liability company

By 
Arch Ford, Co-Manager

STATE OF WASHINGTON)
) ss
COUNTY OF Whatcom)

I certify that I know or have satisfactory evidence that ARCH FORD is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument as the Co-Manager on behalf of PUGET SOUND-HYDRO, L.L.C., a Washington limited liability company, pursuant to the provisions of the Limited Liability Company Agreement of said company, and acknowledged it to be the free and voluntary act of said company for the uses and purposes mentioned in the instrument.



DATED: February 19, 2013

Delisa D Boatman

NAME: Delisa D Boatman
(Print Name)

Notary Public in and for the State of Washington
Commission Expires: 11/6/2014

EXHIBIT A
Legal Description of the Property

REAL PROPERTY IN THE UNINCORPORATED COUNTY OF WHATCOM, STATE OF WASHINGTON,
DESCRIBED AS FOLLOWS:

PARCEL A:

THE LAND REFERRED TO IS SITUATED IN THE STATE OF WASHINGTON, COUNTY OF
WHATCOM AND IS APPROXIMATELY LOCATED WITHIN SECTIONS 31 AND 32, TOWNSHIP 40
NORTH, RANGE 8 EAST OF W.M., AND WITHIN SECTIONS 5 AND 6, TOWNSHIP 39 NORTH,
RANGE 8 EAST OF W.M., WHATCOM COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

ALL OF IRON CAP LODE AND THE NORTHWESTERLY 600.00 FEET, AS MEASURED ALONG THE
NORTHEASTERLY LINE OF THE MINNEHAHA LODE, BEING PATENTED LOAD MINING CLAIMS
AND PART OF MINERAL CERTIFICATE NO. 157, AS SHOWN ON MINING PATENT DEED
RECORDED NOVEMBER 21, 1905 UNDER AUDITOR'S FILE NO. 93373.

PARCEL B:

THE LAND REFERRED TO IS SITUATED IN THE STATE OF WASHINGTON, COUNTY OF
WHATCOM AND IS APPROXIMATELY LOCATED WITHIN SECTIONS 31 AND 32, TOWNSHIP 40
NORTH, RANGE 8 EAST OF W.M., AND WITHIN SECTIONS 5 AND 6, TOWNSHIP 39 NORTH,
RANGE 8 EAST OF W.M., WHATCOM COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

THAT PORTION OF THE FOLLOWING PATENTED LODE MINING CLAIMS IN THE MOUNT BAKER
MINING DISTRICT, BEING PART OF MINERAL CERTIFICATE NO. 157, AS SHOWN ON MINING
PATENT DEED RECORDED NOVEMBER 21, 1905 UNDER AUDITOR'S FILE NO. 93373, DESCRIBED
AS FOLLOWS:

MINNEHAHA LODE EXCEPT THE NORTHWESTERLY 600.00 FEET, AS MEASURED ALONG THE
NORTHEASTERLY LINE THEREOF. ALSO EXCEPT THE SOUTHEASTERLY 100.00 FEET OF THE
SOUTHWESTERLY 472.00 FEET, AS MEASURED ALONG THE SOUTHEASTERLY AND
SOUTHWESTERLY LINE OF SAID MINNEHAHA LODE.

ALSO FALLING WATER LODE EXCEPT THAT PORTION LYING SOUTHWESTERLY OF THE
FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THE LINE COMMON TO THE MINNEHAHA AND FALLING WATER
LODES, 472.00 FEET NORTHEASTERLY OF THE SOUTHERLY CORNER COMMON TO SAID LODES;
THENCE SOUTHEASTERLY, 355 FEET MORE OR LESS TO CORNER NO. 4 OF THE NOOKSACK
LODE, COMMON TO THE SOUTHEASTERLY LINE OF SAID FALLING WATER LODE.

WHATCOM COUNTY, WASHINGTON.

APN: 400831 450200 0000/PID #147508

APN: 400831 580150 0000/PID #147509

EXHIBIT B

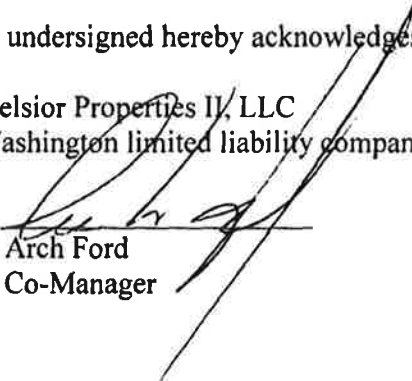
Notice

The subject property is within or near designated **forestry lands** on which a variety of commercial activities may occur. The legally permissible amounts of noise, dust, smoke, traffic and fumes which may be generated by activities on forest land may exceed those levels conducive to a tranquil residential environment. While the application by spraying or other means of forest chemicals may be legally permitted on forest lands, the persons making such applications and the owners of properties where such applications are being made, may be liable for loss and damages which are caused by the migration of forest chemicals from the site of the approved application. Whatcom County has determined that the use of real property for forestry operations is high priority and favored use and will not consider to be a nuisance those inconveniences or discomforts arising from legally permitted forest practices, if such operations are consistent with the commonly accepted best management practices and otherwise comply with local, state and federal laws.

The subject property is on or within three hundred feet of designated **mineral resource** land upon which a variety of mining related activities may occur that are not compatible with residential development for certain periods of limited duration. Whatcom County has determined that the use of real property for mineral operations is a priority use in designated mineral resource lands and will not consider to be a nuisance those inconveniences or discomforts arising from mine operations, if such operations are consistent with commonly accepted best management practices and otherwise comply with local, state, and federal laws. Copies of these laws are available at the Whatcom County Planning and Redevelopment Services Office.

The undersigned hereby acknowledges receipt of the above notice.

Excelsior Properties II, LLC
a Washington limited liability company

By: 
Arch Ford
Co-Manager

STATE OF WASHINGTON)
) SS
COUNTY OF Whatcom)

I certify that I know or have satisfactory evidence that ARCH FORD is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument as the Co-Manager on behalf of PUGET SOUND HYDRO, L.L.C., a Washington limited liability company, pursuant to the provisions of the Limited Liability Company Agreement of said company, and acknowledged it to be the free and voluntary act of said company for the uses and purposes mentioned in the instrument.



DATED: February 19, 2013

Delisa D Boatman

NAME: Delisa D Boatman
(Print Name)

Notary Public in and for the State of Washington
Commission Expires: 11/06/2014



**WHATCOM COUNTY
HEALTH DEPARTMENT**
509 Girard Street
Bellingham, WA 98225
Phone 676-6724 or 384-1528

WATER AVAILABILITY NOTIFICATION

1

TO OBTAIN A BUILDING PERMIT
PRIVATE - 1 HOME WELL

RECEIVED

JUL 29 2003

Whatcom County
Health Department

SECTION ONE - APPLICABILITY:

Environmental Health approval of this form is NOT required if your building project:

- ❖ Does not include plumbing for potable water, or;
- ❖ Is a residential remodel or addition, which does not add additional bedroom(s) or result in an increase in floor space of more than 50% or;
- ❖ Is replacing a permitted building, which has been demolished or removed. You must take evidence of the existence of the previous building to Whatcom County Planning & Development Services for review. The replacement building cannot have more bedrooms or more than 50% greater floor space than the previous building to be considered under this exemption.

SECTION TWO - INSTRUCTIONS:

Please read the attached information carefully for full instructions on how to proceed with obtaining private well approval. Please submit this form and one copy of each document required to Whatcom County Health Department for review and approval.

Please allow at least 1 week for the approval process. This information will be kept on file at the Environmental Health Division.

The documents required are:

- ✓ 1. Water Availability Notification (this form).
- ✓ 2. Satisfactory bacteriological test results less than 3 years old. *5-16-03*
- ✓ 3. Satisfactory inorganic chemical test results less than 3 years old. *4-4-2003*
- ✓ 4. Water well report (well log) signed by driller, including yield test.
- ✓ 5. Current site plan (drawn to scale) showing well location and distances from the well to the property lines, underground fuel storage tanks, drainfields, chemical application areas, creeks and any other potential source of contamination.
- ✗ 6. Declaration of covenant or restrictive covenant if applicable, for sanitary control zone around well. (See instructions).

ENTERED

SEP 30 2003

SECTION THREE - APPLICATION:

Building Permit Applicant's Name: EXELSIOR PROPERTIES
 Current Mailing Address: P.O. Box 1432
 City LEWISTON State ID Zip 83501 Phone (360) 661-5234 or _____
 Tax Parcel Number (proposed home): 390806 510510 0000 Well Tag Number AHG 029
 Address (Proposed Home): 12251 Mt. Baker Hwy Glacier

- ✓ Is the well located on a different lot? If yes, Tax Parcel Number: NO
- ✓ Was this lot created by a subdivision? If yes, Subdivision Name: N/A Lot _____ Blk _____

I certify that the attached water sample analyses and water yield results were obtained from the proposed source.

Signature Neil Latta Print Name NEIL LATTA Date 7/24/03

APPROVAL:

Confined: Yes No Unknown *One of the 2 water storage options presented can be used.*
 Sanitary Control Area Radius: 50' 100'
 Approved Denied Date 9-29-03
 See attached information on:
 Arsenic EDB/1,2-DCP Fluoride Baryum
 Nitrate Sodium/Chloride Other Lead
 by: Lee Phipps Mail to: _____

Whatcom County Environmental Health Services

Approval Expires: 4-4-03

815-2274 JASON
 Call when ready: 312-1967-Neil



11525 Knudson Rd.
Burlington, WA 98233
(800) 755-9295
(360) 757-1400 - FAX (360) 757-1402

Data Report

Client Name: Dahlman Pump
P.O. Box 422
Burlington, WA 98233

Reference Number: 03-1737
Report Date: 4/4/2003
Supervisor: *[Signature]*

Lab Number: 3229
Sample Description: AHG029 - well water

Project: Arch Ford
Date Sampled: 3/27/2003
Date Received: 3/27/2003

WSDOH Number	Analyte	Result	MCL	Pass	SRL	Units
5	BARIUM ✓	0.170	2	Pass	0.100	mg/L
6	CADMIUM	ND	0.005	Pass	0.002	mg/L
7	CHROMIUM	ND	0.1	Pass	0.010	mg/L
9	LEAD ✓	0.006	0.015	Pass	0.002	mg/L
11	MERCURY	ND	0.002	Pass	0.0005	mg/L
12	SELENIUM	ND	0.05	Pass	0.005	mg/L
13	SILVER	ND	0.05	Pass	0.010	mg/L
14	SODIUM ✓	310			1.0	mg/L
19	FLUORIDE ✓	4.23	4	Fail	0.10	mg/L
20	NITRATE-N	ND	10	Pass	0.10	mg/L
21	CHLORIDE ✓	25	250	Pass	20	mg/L

Notation:

MCL = Maximum Contaminant Level, maximum permissible level of a contaminant in water established by EPA; Federal Action Levels are 0.015 mg/L for Lead and 1.3 mg/L for Copper. Sodium has a recommended limit of 20 mg/L. A blank MCL value indicates a level is not currently established.

SRL = State Reporting Limit (WSDOH required detection limit).

ND = Not detected above the listed specified reporting limit (SRL).



11525 Knudson Rd.
Burlington, WA 98233
(800) 755-9295
(360) 757-1400 - FAX (360) 757-1402

INORGANIC COMPOUNDS (IOC) REPORT

Client Name: Dahlman Pump
P.O. Box 422
Burlington, WA 98233

Reference Number: 03-1737

Project: Arch Ford
Field ID: AHG029
Sample Description: well water
Sampled By:
Sample Date: 3/27/2003
Source Type:

Lab Number: 04603229
Report Date: 4/4/2003
Date Received: 3/27/2003

Supervisor: *[Signature]*

CAS	ANALYTES	RESULTS UNITS	PQL	MDL	MCL	Analyst	METHOD	COMMENT
7440-38-2	ARSENIC ✓	0.003 mg/L	0.002	0.00003	0.01	mvp	200.8	

NOTES:

SRL (State Reporting Level): indicates the minimum reporting level required by the Washington Department of Health (DOH).

MCL (Maximum Contaminant Level) maximum permissible level of a contaminant in water established by EPA; Federal Action Levels are 0.015 mg/L for Lead and 1.3 mg/L for Copper. Sodium has a recommended limit of 20 mg/L. A blank MCL value indicates a level is not currently established.

Trigger Level: DOH Drinking Water Response level. Systems with compounds detected in excess of this level are required to take additional samples. Contact your regional DOH office.

ND (Not Detected): indicates that the compound was not detected above the State Reporting Limit (SRL).

NA (Not Analyzed): indicates that this compound was not analyzed.

Comments:

FORM: IOC_GEN



11525 Knudson Rd.
Burlington, WA 98233
(800) 755-9295
(360) 757-1400 - FAX (360) 757-1402

INORGANIC COMPOUNDS (IOC) REPORT

Client Name: Dahlman Pump
P.O. Box 422
Burlington, WA 98233

Reference Number: 03-4098
Project: Arch Ford AHG029

System Name:
System ID Number:
DOH Source Number:
Multiple Sources:
Sample Type:
Sample Purpose: B
Sample Location:
County:

Sample Number: AHG029
Lab Number: 04607625
Collect Date: 7/15/2003
Date Received: 7/15/2003
Report Date: 7/17/2003

Supervisor: *[Signature]*

DOH#	ANALYTES	RESULTS	UNITS	SRL	Trigger	MCL	Analyst	METHOD	COMMENT
19	EPA Regulated FLUORIDE	3.5	mg/L	0.10		4	mvp	300.0	

NOTES:

SRL (State Reporting Level): Indicates the minimum reporting level required by the Washington Department of Health (DOH).

MCL (Maximum Contaminant Level) maximum permissible level of a contaminant in water established by EPA; Federal Action Levels are 0.015 mg/L for Lead and 1.3 mg/L for Copper. Sodium has a recommended limit of 20 mg/L. blank MCL value indicates a level is not currently established.

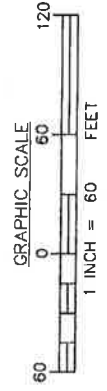
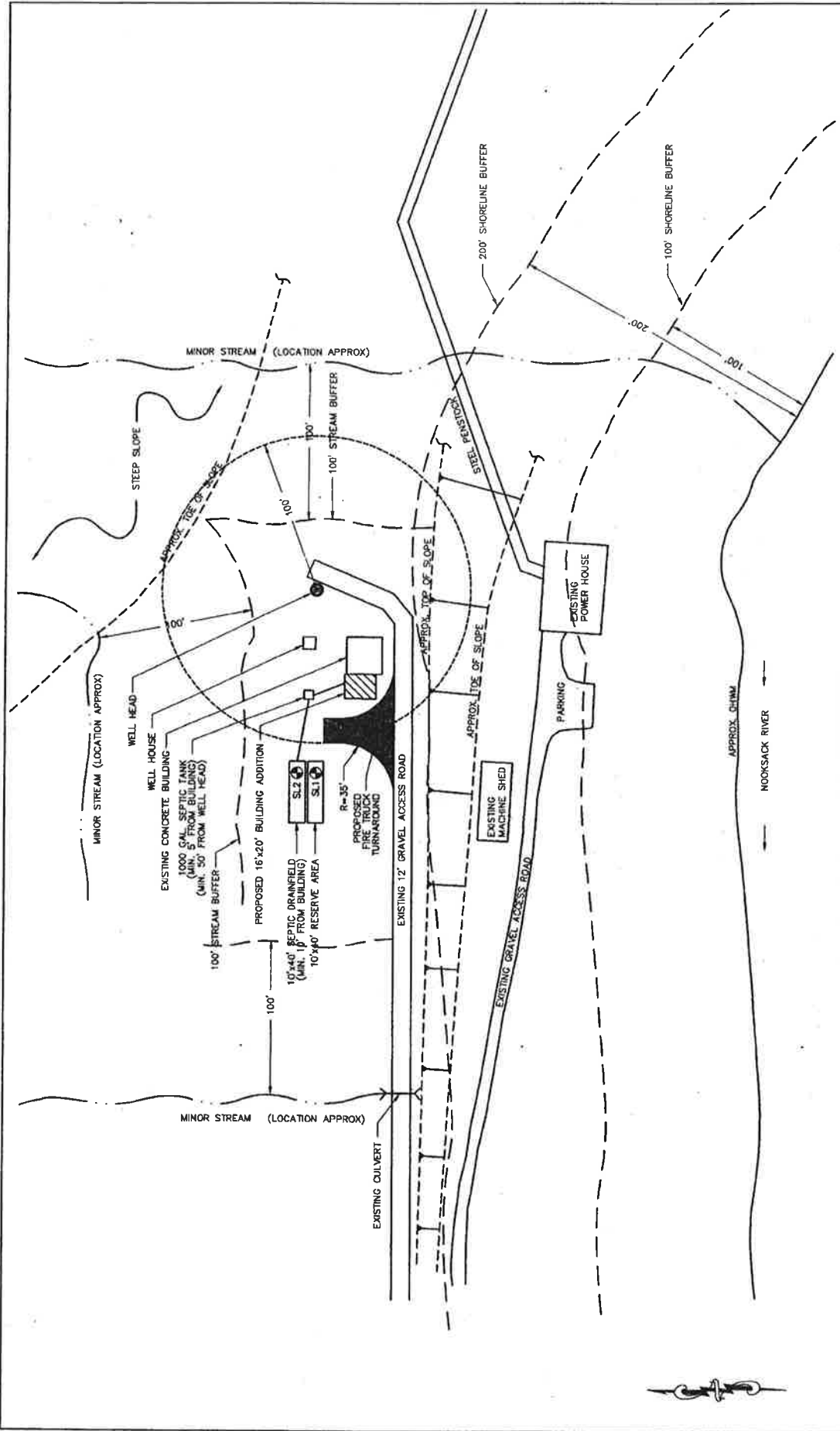
Trigger Level: DOH Drinking Water Response level. Systems with compounds detected in excess of this level are required to take additional samples. Contact your regional DOH office.

ND (Not Detected): Indicates that the compound was not detected above the Specified Reporting Limit (SRL).

NA (Not Analyzed): Indicates that this compound was not analyzed.

Comments:

FORM: IOC_ST



NOTE: SITE PLAN IS BASED ON PUGET POWER DRAWING IN FEDERAL ENERGY REGULATORY COMMISSION PROJECT APPLICATION 3721, AND ON FIELD MEASUREMENTS TAKEN ON 04/02/03. DRAWING ALSO BASED ON APPROVED ON-SITE SEWAGE SYSTEM DESIGN - PERMIT NUMBER 03-000897.

CIVIL GEOGRAPHICAL ENVIRONMENTAL 1350 State Road, Suite 6 Kenosha, WA 98248 Ph: (360) 312-1967 Fax: (360) 858-5597		JOB NO.: 203032 DRAWN BY: ERD CHECKED BY: LSH DRAWING TITLE: 203032-DRAWING SET	TAX PARCEL # 370801510510000 DRAWING 1 OF 4 SITE PLAN ARCH FORD RESIDENCE
BEK ENGINEERING & CONSULTING INC.		DATE: JULY 2003 SCALE: 1"=60'	v. N/A

ORIGINAL
 REDUCED TO SIZE

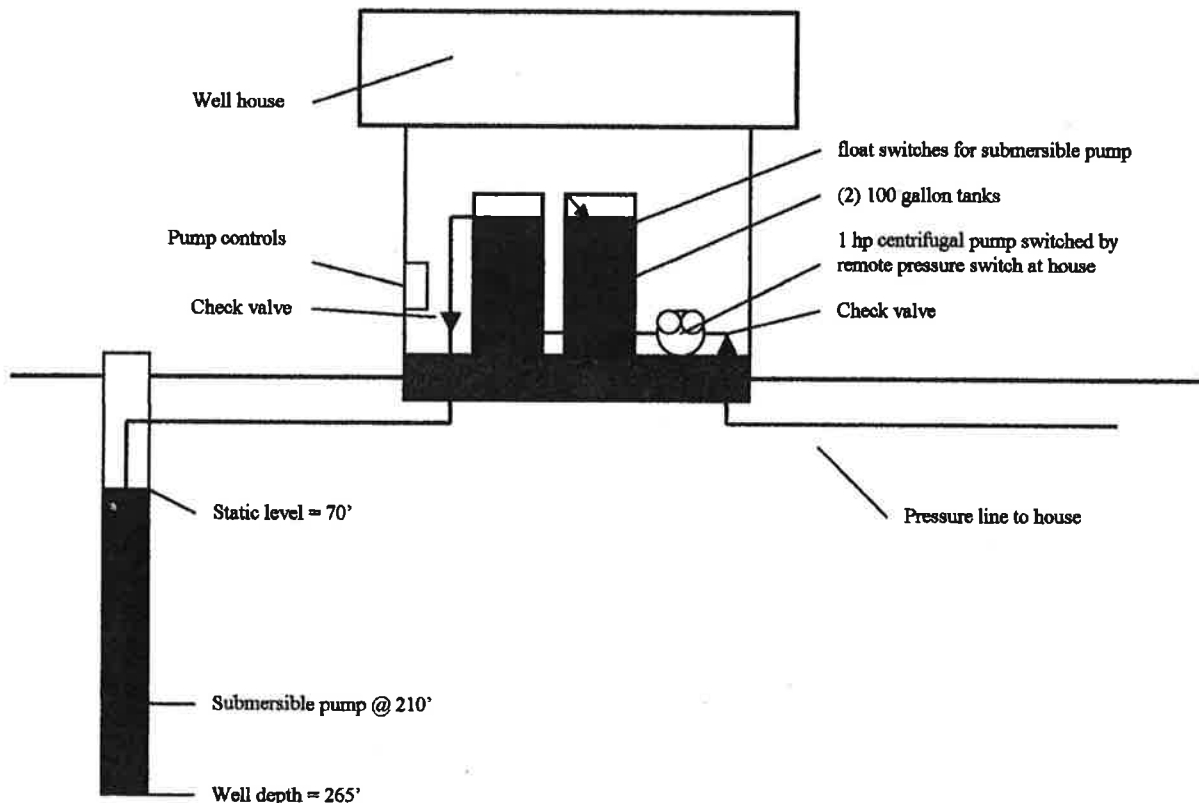
Water Well Reservoir Schematic for Arch Ford Residence

12251 Mt. Baker Highway, Glacier, WA 98244
(Tax Parcel # 390806 510510 0000)

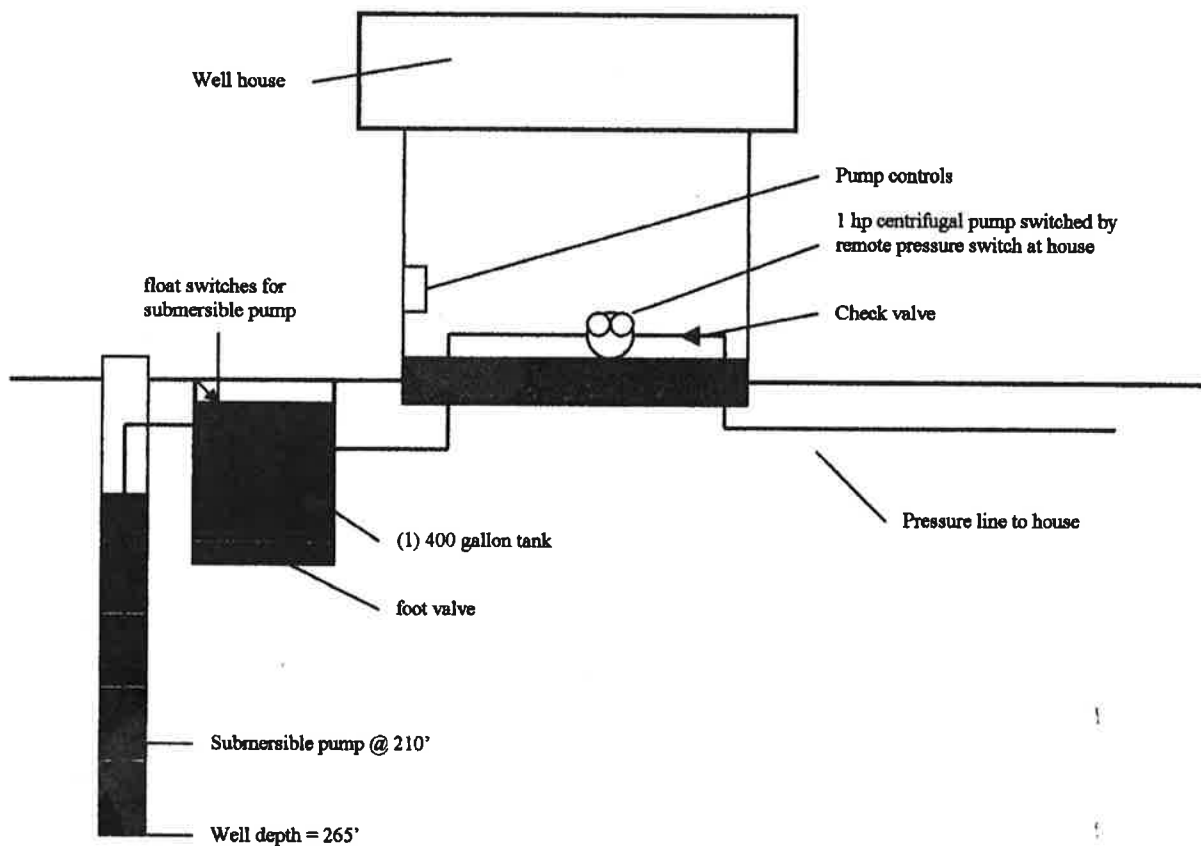
The new well, drilled by Dahlman Pump & Well Drilling in March of 2003, is 265 feet deep, has a static level of 70 feet, and has a submersible pump hung on 210 feet of 1" galvanized pipe. An air test performed by Dahlman shows 3 gpm of production. Usable storage for 210 gallons, based on 140 feet of water above the pump and 1.5 gallons per foot of casing. A new 10 x 10 foot well house has been constructed adjacent to the well head and contains the controls for the submersible pump and the utility intertie, meter and circuit breaker.

Pursuant to Whatcom County regulations, a single family water well that produces less than 4 gpm must have an additional 400 gallon storage reservoir. Therefore, since this well produces 3 gpm and not 4 gpm, a storage reservoir must be provided. The following diagrams depict two alternative designs for the storage at this site.

Alternative A – This alternative makes use of the usable storage in the well, which is a significant 210 gallons due to the depth of the pump. The total storage is 410 gallons (plus the bladder tank in the house), and all connections and tankage are located inside a dry, insulated building. This alternative is most desirable as it makes good use of the building and storage in the well, does not allow possibility of surface water intrusion into the reservoir, provides positive priming of the centrifugal pump, and allows easy visual inspection of all the system components.



Alternative B – This alternative is less desirable, but follows the guidelines in a more literal way. Alternative B utilizes a 400 gallon tank buried adjacent to the well house, giving a total capacity 610 gallons, plus the bladder tank in the house. This alternative is less desirable as it does not make good use of the building or credit storage in the well, has greater exposure to surface water intrusion and freezing in the reservoir, and does not allow easy visual inspection of all the system components.



WHATCOM COUNTY
Planning & Development Services
5280 Northwest Rd., Suite B

Bellingham, WA 98226

360-778-5900

CUSTOMER RECEIPT

Receipt: 520100000000026043

Payor: JACK BLOSS

Date: 12/31/2019

Description	Amount
PLN2020-00004	
Docketing App. Fee #8438	405.00
3% Tech Fee #2843	12.15
Total:	\$ 417.15

Check # CREDIT Paid \$ 417.15

JACK BLOSS

Confirm Date: 12/31/2019

Confirm No: 68996979

Thank you!

Updated 4.19.17