

# Nooksack Falls Site Specific Rezone Application

## *Narrative Supplement*

PLANNING & COMMUNITY SERVICES

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The Nooksack Falls Site Specific Rezone Application and Comprehensive Plan Amendment Application is for the removal of the Nooksack Falls Area Exclave properties (3 tax parcels) from their current Mineral Resource Lands (MRL) Comprehensive Plan designation (retain underlying Rural Forestry zoning designation) and the addition of language to WCC 20.42.155 (RF conditional uses) to include the Nooksack Falls Area Exclave. This Narrative Supplement is intended to provide additional background on the history and existing uses of the Nooksack Falls Area Exclave Properties, and to identify the proposal's consistency with the County Comprehensive Plan. This information supports the assertion that the Nooksack Falls Area Exclave should be removed from the MRL Comprehensive Plan designation as proposed in the rezone request.

### **Introduction**

The Nooksack Falls Area Exclave is in eastern Whatcom County on the south side of Mount Baker Highway. It is approximately 12 miles from Mount Baker Ski Area and approximately eight miles west of the town of Glacier if travelling along Mount Baker Highway ("the Property"). The Property is located east of the Foothills Subarea but shares many characteristics of the Subarea. The Property includes Nooksack Falls, which is an 88'-tall waterfall at the confluence of the North Fork of the Nooksack River and Wells Creek. Nooksack Falls is a well-known local tourist attraction, generating interest from recreational tourists taking advantage of the Mt Baker Ski Area and Mt Baker National Forest. These recreational areas are major local tourist attractions, drawing visitors from around Whatcom County and the greater Puget Sound region, and supporting many communities along the Mount Baker Highway.

Historically, mining and hydroelectric power were the primary uses of the Property and surrounding area, as early as the 1900's. Mining activities in this area ceased over 50 years ago and there is no active mining on or near the Property. The hydroelectric power facility has been in operation for over 100 years, continues to provide power to Whatcom County residents along the Mt Baker Highway, and is on the National Register of Historic Places. Today, aside from power generation, the Property's primary and best use is for recreation and tourism. Tens of thousands of visitors travel to the Falls throughout each year to hike, picnic, view the Falls and engage in other outdoor recreation activities.

## **History of the Falls**

### *Hydroelectric Power*

At the base of the Falls, on the Property, is the Nooksack Falls Hydroelectric Plant. Constructed in 1906, the plant “*is the second oldest operating hydroelectric facility in western Washington*”. Construction of the plant was started by the Bellingham Bay Improvement Company in 1903 and completed by Stone & Webster in 1906. Completion of the plant provided a more trustworthy power source for nearby railways and 149 Bellingham residents.<sup>1</sup> In 1988, the plant was placed on the National Register of Historic Places.<sup>2</sup> Today, Puget Sound Hydro LLC owns the plant and provides power to residents as far as Kendall through a contract with PSE. The plant plays an important role in providing renewable power resources to Whatcom County residents in eastern Whatcom County. In addition to its function as an operating power generation facility “*the building and machinery remain virtually unchanged since 1910*”,<sup>3</sup> and are historically significant, and therefore add historic and cultural value to the Property and to Whatcom County. Puget Sound Hydro LLC is constantly looking to innovate and explore unique ways to utilize the power generated at the facility on-site. Improvements to the Falls recreation/tourism area could benefit from power provided by the on-site facilities.

### *Mining*

Mining has occurred in the Mount Baker area for over 100 years, peaking in the early 1900’s. Lead, zinc, and silver were discovered near Goat Mountain by H.C. Wells in 1896. The following year, Jack Post discovered a significant amount of gold on Bear Mountain. Post’s discovery drew many miners to the Mount Baker area- specifically the Nooksack Mining District- by 1900.

Several minerals have been discovered near Nooksack Falls including gold, silver, diamonds and copper. The most significant mine near the falls was the Great Excelsior Mine, which was established by the Great Excelsior Mining Company. The mining company constructed a 20-stamp mill on the property, which operated for a little over a decade. By 1916, the mill’s costs exceeded its returns and it was shut down. In the latter half of the 20<sup>th</sup> century, mining interests near the Falls subsided, and there has been no active mining occurring at or around the Falls in over 50 years. Today, mining is no longer feasible within the Nooksack Falls Mineral Resource Lands (MRL) Exclave due to economic, environmental, topographic and other factors.<sup>4</sup>

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<sup>1</sup> Kenneth D. Rose, “Nooksack Falls Hydroelectric Plant”, no. WA-18 (1987), pp. 1-10

<sup>2</sup> Upper Nooksack River Recreation Plan Advisory Committee (UNRRPAC), “Upper Nooksack River Recreation Plan” (2015), pp. 29.

<sup>3</sup> Neal A. Vogel, “Nooksack Falls Hydroelectric Plant, Glacier Vicinity, Washington 1906/10” (1987).

<sup>4</sup> Wayne Moen, “Mines and Mineral Deposits of Whatcom County, Washington” (1969), pp. 10, 86.

### *Recreation and Tourism*

Over the latter half of the 20<sup>th</sup> century, Nooksack Falls attracted an increasing number of recreational visitors. The Property's proximity to popular recreational areas such as Artist Point, Mt. Baker Ski Area, and Picture Lake have contributed to the rise in recreational interest in the area and specifically at this site. Wells Creek Road serving the Falls is a US Forest Service Road that extends east past the Falls towards Mt. Baker. This road provides access to extensive hiking trails in the area and access to several prominent waterfalls along Wells Creek. The Excelsior Group camp site, providing campground and base camp facilities for hikers heading up the Excelsior Mountain trail, is located adjacent to the power generation facility portion of the Property, sharing an access road.

To accommodate the growing interest in recreational activity in the area, primitive hiking trails, picnic tables, and a small gravel parking lot have been installed at the Falls viewing area along Wells Creek Road. By 1994 it was estimated that the falls received as many as 40,000 annual visitors, making it one of the most popular attractions in the Nooksack Falls Natural Resource watershed.<sup>5</sup> Today, Nooksack Falls sees 50,000 + annual visitors who enjoy the trails, falls, and river views. The Falls are a unique and important natural area in Whatcom County and are recognized for their recreational and tourism value by Whatcom County residents, many local non-profit organizations, and visitors from out of County.

The entire Mt Baker Recreation Area and associated National Park and Forest represent a significant recreation tourism draw for Whatcom County, supporting many eastern Whatcom County communities, creating jobs, and highlighting our County's natural beauty. The benefits of tourism in this area stretch throughout the County, supporting many businesses in Bellingham and other western Whatcom County communities. The Nooksack Falls Exclave Area is a unique and important component of our County's recreation/tourism character economy.

### **Comprehensive Plan Discussion**

The proposed rezone is in response to changing conditions in the area over time including the abandonment of mining in the area and the emergence of strong interest in the Falls as a recreational and tourist draw. The proposal is broadly consistent with the Comprehensive Plan and the rezone criteria identified in County Code. The proposal is supported by many Comprehensive Plan Goals and Policies from various chapters.

The MRL designation is longer appropriate in this area. As noted, mining is not economically viable at this location for various reasons related to topography and environmental restrictions associated with the Nooksack River. **Chapter 8 of the Comprehensive Plan, Resource Lands**, identifies various Goals and Polices related to Mineral Resource Lands. The Purpose of the section is identified as guiding "*Whatcom*

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<sup>5</sup> Cada, G., Dean, T., Hammitt, W. Kroodsmas, R., McLean, R., Sale, M. J. ... Webb, W., "Nooksack River Basin Hydroelectric Projects, Whatcom County: Environmental Impact Statement" (1997), pp. 4-23.

*County in conservation of mineral resource lands of long-term commercial significance". The Nooksack Falls Area Exclave does not have significant mineral resources of long-term commercial significance. The Chapter acknowledges changed circumstances "Mining activities in Whatcom County have taken place since the 1850s, though the nature, scope and extent of such activities has changed considerably through time". As noted, mining in this area would undoubtedly lead to impacts to the environment due to proximity to the Nooksack River, and is not economically viable, with long transport times, difficult access, and potential land use conflicts with the established recreation uses and power generation uses at the Falls. Several relevant Goals and Policies include:*

*"Policy 8L-3: Avoid adversely impacting ground and surface water quality."*

*"Goal 8S: Ensure that mining avoids adverse impacts to the habitat of threatened and endangered fish and wildlife species."*

*"Policy 8S-1: Ensure that adequate riparian buffers are maintained along rivers and streams."*

*"Goal 8R: Designate Mineral Resource Lands (MRLs) containing commercially significant deposits throughout the county in proximity to markets in order to minimize construction aggregate shortages, higher transport costs, future land use conflicts and environmental degradation. Balance MRL designations with other competing land uses and resources."*

*"Policy 8R-6: Consider removal of land from Mineral Resource Designation after mining and subsequent reclamation is completed."*

MRL Designation Criteria under the Whatcom County Comprehensive Plan includes criterion number 11:

*"11. MRL Designations must be reviewed for internal consistency with other parts of the comprehensive plan so that the MRL designation does not preclude achievement of other parts of the comprehensive plan"*

*"14. Must demonstrate higher value as mineral resource than forestry resource based upon:*

- soil conditions.*
- quality of mineral resource.*
- sustainable productivity of forest resource."*<sup>6</sup>

In this particular case the Falls Property has not been utilized for mining purposes for many decades and there is zero likelihood that additional mining operations would occur at the site; it would be appropriate to shift the focus of this area to the continued use of the site for power generation, recreational activity and tourism. These uses are consistent with various other Chapters in the Comprehensive Plan.

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<sup>6</sup> Whatcom County Planning and Development Service, "Whatcom County Comprehensive Plan" (2018), Chapter 8.

**In Chapter 2, Land Use**, the Rural Lands section discusses properties in the rural portions of Whatcom County. The Plan echoes the findings of the legislature, including the following vision statements:

- *Encourage the economic prosperity of rural residents*
- *Foster opportunities for small-scale, rural-based employment and self-employment,*
- *Permit the operation of rural-based agriculture, commercial, recreational, and*
- *tourist businesses that are consistent with existing and planned land use patterns,*
- *Be compatible with the use of the land by wildlife and for fish and wildlife habitat,*
- *Foster the private stewardship of the land and preservation of open space,*

The Chapter also includes various Goals and Policies that support the proposed recreational and tourist use of the Property:

*“Policy 2DD-4: Conserve open space, park land, and trails for recreational use, as well as to protect essential habitat such as riparian areas and wetlands.”*

*“Policy 2DD-9: Promote economic prosperity for rural areas and allow rural property owners reasonable use of their land by continuing to allow legal nonconforming uses.”*

*“Goal 2FF: Provide employment opportunities in the rural parts of Whatcom County.”*

*“Policy 2FF-1: Support small businesses, cottage industries, home occupations, resource-based, tourist, recreational, and other appropriate industries in the rural areas of Whatcom County.”*

*“Goal: 2PP: Continue to recognize private parcels surrounded by National Park or National Forest as part of Whatcom County’s jurisdiction.”*

*“Goal 2QQ: Conserve or enhance important natural, cultural, and scenic resources.”*

*“Policy 2RR-4: Promote conservation principles by example or by offering educational opportunities.”*

*“Policy 2RR-6: Enhance recreation opportunities.”*

*“Policy 2RR-7: Preserve scenic vistas, historic, and archaeological sites.”*

*“Goal 2UU: Ensure equity between the public benefit and the private burden while encouraging open space retention.”*

*“Policy 2UU-5: Augment land use regulations by engaging in a proactive program of public investment, landowner incentives, and other actions aimed at preserving open space.”*

*“Policy 2UU-11: Support the important role of public and private conservation organizations.”<sup>7</sup>*

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<sup>7</sup> Whatcom County Planning and Development Service, “Whatcom County Comprehensive Plan” (2018), Chapter 2.

Economic activity in eastern Whatcom County is centered on recreational activities and tourism, and the small communities in this area depend on the winter and summer visitors who frequent the area. The power generation facilities at the Falls are family owned and operated and the operators live on-site. Public access to the Falls is provided by the owners at no cost, and there is no revenue generation from the Falls activity at this time. The ability to improve the facilities and offer café or other similar services would support the operation of the power facility and promote tourism in the area, as well as maintain the continued free public access to the Falls. The Comprehensive Plan **Chapter 7, Economics**, includes many Goals and Policies that support economic development, small businesses, rural and recreational based businesses and other things relevant to the proposed rezone:

*Policy 7A-4: In addition to stimulating family-wage employment and jobs in diverse sectors, ensure we retain entry level and service-related jobs such as those necessary to support tourism, recreation, retailing, and other industries.*

*Policy 7A-8: Enhance the environment for resource-based and knowledge-based industries with an emphasis on attracting employment to the communities in eastern Whatcom County.*

*Policy 7A-9: Produce a strategic plan to guide the county's participation in tourism marketing.*

*Goal 7B: Support increased public/private sector partnering among all entities involved with economic development.*

*Policy 7C-3: Work with service providers for a dependable electric power supply, alternative energy sources, communications, and evolving technology to support existing and future business development.*

*Policy 7C-9: Work with Bellingham Whatcom County Tourism, and the cities to develop and implement a common Countywide Way-Finding system that encourages people traveling on the I-5 corridor to detour and easily find the many tourist attractions that Whatcom County has to offer.*

*Goal 7E: Enhance the economic trade, tourism, and industrial siting advantages of the county's location adjacent to the Canadian border.*

*Policy 7E-1: Support attractions for Canadians and other visitors so they will remain in the county longer and distribute their spending throughout the community. Some of the examples would include support for such items as the following:*

- *Events such as the "Ski to Sea" race and festival.*
- *Parks and open spaces.*
- *The Mount Baker outdoor recreation area.*
- *Farmers markets and other natural resource-based activities.*
- *Projects, events and activities of unincorporated areas such as Point Roberts, Birch Bay and East County.*

*Goal 7F: Encourage development that creates local reinvestment funds and provides jobs in the local community.*

*Policy 7F-1: Support existing businesses locally as the major contributors of job creation and regeneration and afford them every opportunity to continue their success in the community.*

*Goal 7G: Coordinate economic development with environmental, resources, and other comprehensive plan land use and open space policies and measures to enhance the community's overall quality of life.*

*Policy 7G-1: Recognize the natural environment as a major asset and manage environmental resources accordingly. We need both economic prosperity and environmental sustainability.*

*Policy 7G-3: Provide support to Whatcom County's tourist industry to maintain and enhance a balance between the economic benefits of tourism and the local quality of life.*

*Policy 7H-7: Encourage growth of tourism, recreational activities, and businesses that provide for diversity of the natural resource industry, provided they comply with County regulations and, when located in a rural area, preserve the rural character.*

*Policy 7K-1: Support small and cottage businesses in rural areas that minimally impact productive agricultural, forest, or mineral resource land.*

*Policy 7K-4: Encourage resource and tourism based recreational, commercial, and cottage industry uses to create economic opportunity in the rural areas of the county.*<sup>8</sup>

Recreation activities are clearly a major component of the County's character and contribute to the Countywide economy. The Comprehensive Plan, **Recreation Chapter 9**, states that "recreation is a vital component to the rich quality of life enjoyed by many Whatcom County residents and visitors". Among the County's goals and policies concerning recreation, Goal 9D of the Comprehensive Plan states: "Provide specialized recreation areas taking advantage of unique opportunities to serve both the county residents and visitors".

The Nooksack Falls Area Exclave offers unique recreational opportunities including hiking trails, beautiful scenery, historic and cultural value. The Upper Nooksack River Recreation Plan (UNRRP) recognizes Nooksack Falls as "one of the most popular waterfalls in the North Cascades" (UNRAC, 2015, p. 25) and identifies Nooksack Falls as a "tourist destination with a scenic viewpoint" (UNRAC, 2015, app. A, p. 3). The Nooksack Falls Hydroelectric Plant is considered a cultural and historic value in the UNRRP (UNRAC 2015, app. A, p. 7). Along with the Falls and hydroelectric plant, there are a few other unique recreational and tourist opportunities near the Falls. Wells Creek Road is accessible by the road to Nooksack Falls and provides access to a kayak take-out location for the Class V Misto Canyon whitewater boating section just above the falls. Wells Creek Road also provides access to the Mt. Baker Wilderness for unique backcountry recreational opportunities. From the Falls one could hike up Wells Creek to the foot of Mt Baker. The Excelsior Group Campground, Excelsior

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<sup>8</sup> Whatcom County Planning and Development Service, "Whatcom County Comprehensive Plan" (2018), Chapter 7.

Pass Trailhead, and High Divide Trailhead are less than a mile from the Nooksack Falls Area Exclave along Mt. Baker Highway. As such, Nooksack Falls, the hydroelectric power plant, and the surrounding area offer unique recreational opportunities to Whatcom County.

Several improvements at the Nooksack Falls Area Exclave are necessary for further recreational use. At present, the facilities on-site are inadequate for the volume of use and interest they receive on an annual basis; the parking lot is not large enough, the hiking trail to the Falls viewpoint is difficult to navigate and unsafe, and there are no toilet facilities at the trailhead. The owner of the Property and The Upper Nooksack River Recreation Plan Advisory Committee have both indicated an interest in improving the site. Included in the list of "Specific Recommendations" in the UNRRP is the construction of restroom facilities at the Falls parking lot and improvement of the trail so that it is ADA-accessible.<sup>9</sup> The property owner has indicated that he would like to make improvements in order to increase safety and accessibility to the Falls, and possibly add improved parking, improved trails, restrooms, and a viewing platform for the Falls. Improvement of the Falls area is consistent with many Goals and Policies in the Recreation Chapter:

*Goal 9C: Expand outdoor recreation opportunities for county residents by providing enjoyable trails for hiking, horseback riding, bicycling, walking, boating, and other trail activities in a safe environment.*

*Policy 9C-1: Trails should be interesting and attractive. Trails which follow natural water courses, pass significant natural resources, traverse interesting scenery or cross areas of outstanding beauty provide interesting and enjoyable experiences for the trail user.*

*Policy 9C-3: Trails should link other recreational uses in the Foothills area and connect to existing trail systems in the National Forest and state land.*

*Policy 9C-7: Hiking trails should have a variety of lengths and grades for casual strollers as well as serious hikers and when practicable, be accessible.*

*Policy 9C-10: Adequate parking, signage, trash receptacles, and toilet facilities should be provided at all major trailheads.*

*Goal 9I: Develop a stronger financial base for recreational services:*

*Policy 9I-1: Design future recreation facilities and areas with the ability to charge user fees.*

*Policy 9I-2: Explore new innovative methods of financing facility development, maintenance, and operating needs.*

*Policy 9I-4: Seek to design and develop facilities that will encourage tourism.*<sup>10</sup>

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<sup>9</sup> Upper Nooksack River Recreation Plan Advisory Committee (UNRRPAC), "Upper Nooksack River Recreation Plan" (2015), pp. 35, 64.

<sup>10</sup> Whatcom County Planning and Development Service, "Whatcom County Comprehensive Plan" (2018), Chapter 9.