

# **Whatcom County Council Special Committee of the Whole**

**COUNTY COURTHOUSE  
311 Grand Avenue, Ste #105  
Bellingham, WA 98225-4038  
(360) 778-5010**



## **Meeting Agenda**

**Tuesday, June 23, 2020**

**1 PM**

**Virtual Meeting**

### **COUNCILMEMBERS**

Rud Browne  
Barry Buchanan  
Tyler Byrd  
Todd Donovan  
Ben Elenbaas  
Carol Frazey  
Kathy Kershner

### **CLERK OF THE COUNCIL**

Dana Brown-Davis, C.M.C.

**Call To Order****Roll Call****Announcements**

The Council is currently holding all meetings remotely. View meeting schedules, agendas, minutes, videos, and archives at [www.whatcom.legistar.com](http://www.whatcom.legistar.com). For instructions on how to watch or participate in our meetings, please visit us at [www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil) or contact the Council Office at 360.778.5010.

**Committee Discussion and Recommendation to Council**

1. [AB2020-106](#) Resolution docketing comprehensive plan and development regulation amendments

**Committee Discussion**

1. [AB2020-234](#) Discussion regarding goals, guidelines, and approach to updating current and future budgets

**Other Business****Adjournment**



# Whatcom County

COUNTY COURTHOUSE  
311 Grand Avenue, Ste #105  
Bellingham, WA 98225-4038  
(360) 778-5010

## Agenda Bill Master Report

File Number: **AB2020-106**

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<b>File ID:</b>	AB2020-106	<b>Version:</b>	1	<b>Status:</b>	Agenda Ready
<b>File Created:</b>	02/24/2020	<b>Entered by:</b>	MAamot@co.whatcom.wa.us		
<b>Department:</b>	Planning and Development Services Department	<b>File Type:</b>	Resolution		
<b>Assigned to:</b>	Council Special Committee of the Whole	<b>Final Action:</b>			
<b>Agenda Date:</b>	06/23/2020	<b>Enactment #:</b>			

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Primary Contact Email: [maamot@co.whatcom.wa.us](mailto:maamot@co.whatcom.wa.us)

### **TITLE FOR AGENDA ITEM:**

Resolution docketing comprehensive plan and development regulation amendments

### **SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:**

Whatcom County Code indicates that proposed comprehensive plan and development regulation amendments are to be docketed by the County Council. Planning and Development Services is forwarding a proposed resolution so that Council can determine which amendments to docket for further review.

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### **HISTORY OF LEGISLATIVE FILE**

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<b>Date:</b>	<b>Acting Body:</b>	<b>Action:</b>	<b>Sent To:</b>
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**Attachments:** Staff Memo, Draft Resolution, Exhibit-A (Draft Docket), PLN2020-00001 application (revised), PLN2020-00002 (Six-Year CIP Application), PLN2020-00003 (NC to Residential Application), PLN2020-00004 (RF Mt Baker Hwy - Supplemental Info), PLN2020-00004 (RF Mt Baker Hwy application)

**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

## Memorandum

TO: The Honorable Satpal Sidhu, Whatcom County Executive  
The Honorable Whatcom County Council

FROM: Matt Aamot, Senior Planner *MA*  
THROUGH: Mark Personius, Director *MP*

DATE: February 24, 2020

SUBJECT: Docketing Comp Plan & Development Regulation Amendments

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Pursuant to state and local law, proposed comprehensive plan and development regulation amendments are docketed for further review by the County Council each year. This year, there are seven new applications and a number of previous applications (initiated in past years) on the proposed docket.

### **New Applications**

Whatcom County has submitted or received new proposals relating to the following topics for consideration in 2020:

- Point Roberts Special District – Moratorium and Economic Assessment
- Capital Facilities Planning
- Neighborhood Commercial to Residential Rezone
- Rural Forestry Designation and Text Amendment (Nooksack Falls)
- Whatcom County Code Amendments
- Shoreline Program Update
- Countywide Planning Policy Amendments

The Council should determine which of the above proposals to docket for further review in 2020. Docketed amendments will be submitted for SEPA review, evaluated by the Planning Department, and go to a public hearing before the Planning Commission prior to returning to the County Council for a final decision. If an amendment is not docketed by Council, it will not go forward.

Fee waivers have been requested for the Point Roberts Special District, Neighborhood Commercial to Residential Rezone, and the Rural Forestry Designation and Text Amendment (Nooksack Falls) applications. WCC 22.10.020(3)(b) states: “. . . 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.”

The Council may docket these amendments without waiving the approximately \$9,640 in fees, docket the amendments and waive the fees, or choose not to docket the amendments.

### **Previous Applications**

In addition to the new applications, the following projects were docketed for review in previous years. They are included in the proposed resolution, as review has not been completed:

- Mineral Resource Lands Expansion – Breckenridge Rd.
- Lummi Island Ferry Amendments
- Density Credit Program – Zoning Code Amendments
- Point Roberts Subarea Plan and Point Roberts Special District
- Surface Mining Pipeline Buffer
- Surface Mining of Dry Meander Zones
- Density Credit Program – Comprehensive Plan Amendments
- Repeal Cherry Point-Ferndale Subarea Plan
- Critical Areas Ordinance - On-Going Agriculture
- Wind Energy System Amendments
- Cherry Point Amendments
- Sustainable Salmon Harvest Goal
- Mineral Resource Lands – County-wide Designation Process;
- Wireless Communication Facilities;
- Sign Regulations Update;
- Vacation Rental Regulations;
- Code Enforcement Amendments;
- Boundary Line Adjustments;
- Weddings and Special Events;
- Agricultural Strategic Plan Implementation; and
- Mineral Resource Lands Expansion – North Star Rd.

Thank you for your consideration of the proposed resolution. We look forward to discussing it with you.

Proposed by: Planning & Development Services  
Introduction date: \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

DOCKETING COMPREHENSIVE PLAN  
AND DEVELOPMENT REGULATION AMENDMENTS

WHEREAS, the Growth Management Act (RCW 36.70A.470) requires the County to consider the proposed docket of comprehensive plan and development regulation amendments on at least an annual basis; and

WHEREAS, the provisions of WCC 22.10.020 indicate that Comprehensive Plan and development regulation amendments are to be docketed for review by approval of a resolution by the County Council; and

WHEREAS, the Whatcom County Planning and Development Services Department has forwarded a docket of proposed Comprehensive Plan and development regulation amendments to the County Council for consideration.

NOW, THEREFORE, BE IT RESOLVED that the Whatcom County Council hereby docket for formal review the amendments shown on attached Exhibit A.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

ATTEST

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

\_\_\_\_\_  
Dana Brown-Davis, Clerk of the Council

\_\_\_\_\_  
Barry Buchanan, Council Chair

APPROVED AS TO FORM:

\_\_\_\_\_  
Civil Deputy Prosecutor

## EXHIBIT A – Docket

File #	File Name	Applicant	Description	Location	Fee Waiver Requested?
<a href="#"><u>PLN2020-00001</u></a>	<a href="#"><u>Point Roberts Special District Moratorium and Economic Assessment</u></a>	<a href="#"><u>Point Roberts Independent Business Council</u></a>	<a href="#"><u>Immediate moratorium of the Point Roberts Special District (WCC 20.72), except for Sections 20.72.400 (Height limitations) and 20.72.653 (Landscaping, screening, and tree canopy retention), until a hearing examiner process is able to comprehensively assess the economic impacts and the overall efficacy of this Whatcom County Code.</u></a>	<a href="#"><u>Point Roberts</u></a>	<a href="#"><u>Yes</u></a>
<a href="#"><u>PLN2020-00002</u></a>	<a href="#"><u>Capital Facilities Planning</u></a>	<a href="#"><u>Whatcom County</u></a>	<a href="#"><u>Amend the capital facilities element of the Whatcom County Comprehensive Plan, including the Six-Year Capital Improvement Program (Appendix F).</u></a>	<a href="#"><u>County-wide</u></a>	<a href="#"><u>N/A</u></a>
<a href="#"><u>PLN2020-00003</u></a>	<a href="#"><u>Neighborhood Commercial to Residential Rezone</u></a>	<a href="#"><u>Charles P. Vogel &amp; George Johnson</u></a>	<a href="#"><u>Rezone approximately 1.25 acres from Neighborhood Commercial (NC) to Residential Rural (RR-1).</u></a>	<a href="#"><u>Parcel #'s 380127 456016, 380127 457023, and 380127 455009. Within the SE ¼ of section 27, T38N, R1E, W.M.</u></a>	<a href="#"><u>Yes</u></a>
<a href="#"><u>PLN2020-00004</u></a>	<a href="#"><u>Rural Forestry Designation and Text Amendment – Nooksack Falls</u></a>	<a href="#"><u>Ali Taysi / AVT Consulting</u></a>	<a href="#"><u>Amend the comprehensive plan designation from Mineral Resource Lands (MRL) to Rural Forestry on approximately 66 acres in the Nooksack Falls exclave (off Mt. Baker Hwy). Amend the Zoning Code to allow certain conditional uses in the Nooksack Falls exclave within the Rural Forestry zone (WCC 20.42.155).</u></a>	<a href="#"><u>Parcel #'s 400831 580150, 400831 450200, and 390806 550550; Within section 31, T40N, R8E, and section 6, T39N, R8E W.M.</u></a>	<a href="#"><u>Yes</u></a>
<a href="#"><u>PLN2020-00005</u></a>	<a href="#"><u>Whatcom County Code Amendments</u></a>	<a href="#"><u>Whatcom County</u></a>	<a href="#"><u>Review and revise the Whatcom County Zoning Code and other sections of the County Code to implement Comprehensive Plan policies and/or address issues</u></a>	<a href="#"><u>N/A</u></a>	<a href="#"><u>N/A</u></a>

File #	File Name	Applicant	Description	Location	Fee Waiver Requested?
			<u>identified in the administration of the codes. Revisions needed to achieve consistency with the Growth Management Act may also be considered.</u>		
<u>PLN2020-00006</u>	<u>Shoreline Program Update</u>	<u>Whatcom County</u>	<u>Update the Whatcom County Shoreline Management Program (Title 23). Move the goals and policies of the Shoreline Management Program to the Whatcom County Comprehensive Plan.</u>	<u>N/A</u>	<u>N/A</u>
<u>PLN2020-00007</u>	<u>Countywide Planning Policy Amendments</u>	<u>Whatcom County</u>	<u>Amend the Countywide Planning Policies (CWPPs) by adding new sections relating to the Review and Evaluation Program (Buildable Lands), Dispute Resolution Procedures, and Countywide Planning Policy Amendment Procedures. The CWPPs are inserted into Appendix C of the Whatcom County Comprehensive Plan.</u>	<u>N/A</u>	<u>N/A</u>
PLN2019-00002	MRL Expansion – Breckenridge Rd.	Concrete Nor'West	Amend the comprehensive plan designation from Rural to Mineral Resource Lands (MRL) and amend the zoning map to expand a MRL overlay zone on approximately 22.8 acres off Breckenridge Rd., east of Nooksack. The underlying zoning is Rural one dwelling/five acres (R5A).	Parcel # 400428 165430 and a portion of parcel # 400428 254460; Within the NW ¼ and NE ¼ of section 28, T40N, R4E, W.M.	No
PLN2019-00004	Lummi Island Ferry Amendments	Whatcom County	Amend Whatcom County Comprehensive Plan provisions relating to the Lummi Island Ferry. Modify Policy 6A-1 relating to ferry level of service and delete Policy 6C-9 relating to a ferry feasibility study as shown in Resolution 2018-026.	N/A	N/A



File #	File Name	Applicant	Description	Location	Fee Waiver Requested?
PLN2019-00005	Density Credit Program - Zoning Code Amendments	Whatcom County	Amend the Whatcom County Zoning Code to implement the following recommendations contained in the TDR/PDR Multi-Stakeholder Work Group Final Report dated October 3, 2018: (1) modify the UR4 zone in the Birch Bay Urban Growth Area to allow increased density if density credits are purchased and (2) modify the code to allow larger accessory dwelling unit size if density credits are purchased.	Birch Bay and other areas of the county	N/A
<del>PLN2019-00005</del>	<del>Whatcom County Code Amendments</del>	<del>Whatcom County</del>	<del>Review and, if needed, revise the Whatcom County Zoning Code and other sections of the Whatcom County Code to implement Comprehensive Plan policies and/or address issues identified in the administration of the codes. Additionally, any revisions needed to achieve consistency with the Growth Management Act may also be considered.</del>	<del>N/A</del>	<del>N/A</del>
PLN2019-00007	Point Roberts Subarea Plan and Point Roberts Special District	Whatcom County	Review and, if needed, revise the Point Roberts Subarea Plan and the Point Roberts Special District (WCC 20.72).	Point Roberts	N/A
PLN2019-00010	Surface Mining Pipeline Buffer	Whatcom County Council	Amend the Whatcom County Comprehensive Plan and Whatcom County Code to determine the minimum safe distance to allow surface mining to be conducted from a petroleum pipeline to ensure a pipeline will not become exposed or rupture during an earthquake event and contaminate an aquifer. Determination should be based on independent sources where possible and assume a magnitude 9.0 or greater earthquake could occur.	Countywide	N/A

File #	File Name	Applicant	Description	Location	Fee Waiver Requested?
PLN2019-00011	Surface Mining of Dry Meander Zones	Whatcom County Council	<p>Amend the Whatcom County Comprehensive Plan and Whatcom County Code to allow the seasonal extraction of sand and gravel from dry upland areas located within the 1,000 year meander zone of the Nooksack River, provided that such extraction has no negative impact on salmon spawning habitat.</p> <p>The intent is to (a) reduce the conversion of land currently used for farming, forestry and wildlife habitat into gravel pits, and (b) safely remove some of the significant sediment load that enters the Nooksack every year in an effort to reduce flooding and the need to build higher flood prevention berms along the river as the climate continues to change.</p>	Countywide	N/A
PLN2018-00002	Density Credit Program – Comprehensive Plan Amendments	Whatcom County	Amend the Whatcom County Comprehensive Plan to reflect a shift in emphasis from a traditional transfer of development rights program to a density credit program. Density credits allow development incentives, such as increased density, in exchange for a voluntary contribution towards preserving agricultural lands and open space.	N/A	N/A
PLN2018-00003	Repeal Cherry Point-Ferndale Subarea Plan	Whatcom County	Repeal the Cherry Point-Ferndale Subarea Plan, which was adopted in 1981. The proposal would also amend related provisions in the Whatcom County Comprehensive Plan and Zoning Code.	Cherry Point-Ferndale Subarea	N/A
PLN2018-00005	CAO On-Going Agriculture	Whatcom County	The Critical Areas Ordinance (CAO) was adopted by the County Council in December 2017 (Ordinance 2017-077). Section 4(a) of this Ordinance states	N/A	N/A

File #	File Name	Applicant	Description	Location	Fee Waiver Requested?
			"Planning and Development Services staff shall work with the farming community to develop creative solutions that would allow farmers to maintain or attain 'ongoing agriculture' status pursuant to applicable laws. Proposed code amendments to the Critical Areas Ordinance related to ongoing agriculture shall be processed with all due haste, but the first proposal shall be brought to Council for consideration no later than July 1, 2018."		
PLN2018-00008	Wind Energy System Amendments	Whatcom County Planning Commission	Review and, if needed, revise WCC 20.14 Wind Energy Systems.	N/A	N/A
PLN2018-00009	Cherry Point Amendments	Whatcom County Council	Amend the Whatcom County Comprehensive Plan and Whatcom County Code to address ways the County may limit the negative impacts on public safety, transportation, the economy, and the environment from crude oil, coal, liquefied petroleum gases, and natural gas exports from the Cherry Point Urban Growth Area, in accordance with Whatcom County Comprehensive Plan Policy 2CC-16.	Cherry Point UGA	N/A
PLN2018-00010	Sustainable Salmon Harvest Goal	Whatcom County Council	Amend the Comprehensive Plan to create a new policy to work with Lummi and Nooksack Nations, the State Department of Fish and Wildlife (WDFW) and other stakeholders to establish a sustainable salmon harvest goal for the county.	N/A	N/A

File #	File Name	Applicant	Description	Location	Fee Waiver Requested?
PLN2017-00004	MRL County-wide Designation Process	Whatcom County	Through a county-led countywide assessment, seek to identify and designate potential commercially significant mineral resource lands, to meet future demand, compatible with water resources, agricultural lands, forest lands and other GMA goals pursuant to Comprehensive Plan Policy 8R-1.	County-wide	N/A
PLN2016-00006	Wireless Communication Facilities	Whatcom County	Review and update provisions in WCC 20.13 (Wireless Communication Facilities) to ensure consistency with: (1) New 2015 FCC rules (80 FR 1238) which are designed to implement and enforce Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 and (2) New 2018 FCC rules entitled "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment."	N/A	N/A
PLN2016-00009	Sign Regulations Update	Whatcom County	Review and revise Whatcom County Code 20.80.400 (Sign Regulations), including updating the code for consistency with the U.S. Supreme Court's decision in <i>Reed v. Town of Gilbert</i> (2015).	N/A	N/A
PLN2014-00020 PLN2016-00011	Vacation Rental Regulations	Whatcom County	Amend Whatcom County Code Title 20 (Zoning) & Title 23 (Shoreline Management Program) to allow vacation rentals under certain conditions as a use within certain zones and shoreline designations.	N/A	N/A
PLN2015-00003	Code Enforcement Amendments	Whatcom County	Create a new Whatcom County Code (WCC) Chapter 22.15, called "Code Compliance Procedures" to establish an efficient system to address enforcement of building, critical areas and zoning codes. The proposal would consolidate the existing code	N/A	N/A

File #	File Name	Applicant	Description	Location	Fee Waiver Requested?
			enforcement provisions from WCC 15, 16.16, and 20 into a new WCC 22.15. The proposed amendments include provisions that would allow the County to record a document at the Whatcom Auditor's office indicating that there is a code violation on a property.		
PLN2014-00001	Boundary Line Adjustments	Jay Irwin	Amend Section 20.83.110 of the Whatcom County Zoning Ordinance relating to boundary line adjustments. The amendment would allow boundary line adjustments to nonconforming parcels to resolve encroachments such as fences, trees and other occupational indicators. The amendment would also allow boundary line adjustments that modify the boundaries between two nonconforming parcels based upon land owner preferences, as long as the smallest parcel is not decreased in size.	N/A	N/A
PLN2014-00016	Weddings and Special Events	Whatcom County	Amend the Whatcom County Zoning Ordinance to allow "Weddings and Special Events" in specific zone districts through a conditional use permit. Amend WCC 20.97 to define "Special Events" and amend the parking space requirements in WCC 20.80.580.	N/A	N/A
<del>PLN2013-00003</del>	<del>Bellingham Development Standards</del>	<del>Whatcom County</del>	<del>Review and potentially revise the Whatcom County Code to adopt City of Bellingham Development Standards for the Bellingham Urban Growth Area (UGA).</del>	<del>These amendments relate to the Bellingham UGA</del>	<del>N/A</del>

File #	File Name	Applicant	Description	Location	Fee Waiver Requested?
PLN2012-00007	Agricultural Strategic Plan Implementation	Whatcom County	Resolution 2018-027 was approved by the County Council on 8/8/2018 declaring support for the updated Whatcom County Agricultural Strategic Plan. Immediate priorities in this plan include reviewing designation of Agricultural Lands of Long-term Commercial Significance and the agricultural zoning code. Reviewing the Rural Study Areas as listed in the 2007 Rural Land Study and making recommendations for possible changes in accordance with Resolution 2009-040 (100,000 acre target), Resolution 2018-027 (Updated Agricultural Strategic Plan) and RCW 36.70A.170 and .177 will be included. Other short-term and medium-term priorities in this plan include development of policies and regulations that provide for protection of the best agricultural areas while supporting development at zoned densities and continued work on development of the Natural Resource Marketplace. These activities may lead to proposed changes to the agricultural portions of the Comprehensive Plan and zoning regulations.	Proposal relates to Agricultural and Rural lands	N/A
PLN2012-00009	MRL Expansion – North Star Rd.	Ferndale Ready Mix & Gravel	Amend the comprehensive plan designation from Rural to Mineral Resource Lands (MRL) and amend the zoning map to expand a MRL overlay zone on approximately 19.7 acres on the west side of North Star Rd., south of Brown Rd. The underlying zoning is Rural one dwelling/five acres (R5A).	Parcel # 390110 212100; Within the SW ¼ of section 10, T39N, R1E, W.M.	N/A

## Point Roberts Independent Business Council

February 17, 2020

Planning & Development Services  
c/o Mark Personius  
5280 Northwest Drive C  
Bellingham, WA 98226  
(360) 778-5900

PLANNING & DEVELOPMENT SERVICES

FEB 17 2020

RECEIVED

On July 8, 2019 the Point Roberts Independent Business Council (PRIBC) submitted Zoning Amendment Application PLN2020-00001, inclusive of a Docketing Application Fee #8438, which included a request to waive the associated application fees, citing precedent set in 2014 by Whatcom County's having waived all associated fees for the Point Roberts Community Advisory Committee's own Zoning Amendment Application to revise Point Roberts Special District 20.72.

We respectfully submit to Planning and Development Services the attached revised application, in order to provide additional information, which supports our amended description. The original application proposed the 'Full and complete repeal of Point Roberts Special District 20.72'.

The revised application proposes 'An Immediate Moratorium of Point Roberts Special District 20.72, excepting for Sections 20.72.400 and 20.72.653, until such time as a Hearing Examiner Process is able to comprehensively assess the economic impacts and the overall efficacy of this Whatcom County Code which is in direct conflict with the existing Point Roberts Sub-Area Plan, which it purports to enforce.'

As Whatcom County records clearly indicate, since the inception of Point Roberts Special District 20.72, no measurable economic impact studies have been undertaken by either the County or the Point Roberts Community Advisory, nor by any outside agency, to support the ongoing expansion and furtherance of 20.72.

In November 2019, the PRIBC commissioned the Western Washington University's Center for Business and Economic Research to provide measurable economic data, which upon review, strongly supports our position that 20.72 not only provides no discernable economic benefit to the Small Town Commercial District of Point Roberts, it has and continues to negatively impact the economic viability of Point Roberts as a whole. The Port of Bellingham's Regional Economic Partnership is in support of the PRIBC's assertion that the failure to address these economic impacts likely presents a clear and present danger to the economic viability of the Point Roberts business community, and its stated purpose of supporting an environment of sustainable tourism.

Respectfully,

Brian Calder  
President, PRIBC

Tel: (360) 945-2353

Email: [pointrobertsibc@gmail.com](mailto:pointrobertsibc@gmail.com)

Website: [www.pribc.org](http://www.pribc.org)





**WHATCOM COUNTY**

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



**J.E. "Sam" Ryan**  
Director

PLANNING & DEVELOPMENT SERVICES

FEB 17 2020

RECEIVED

**Application for Zoning Amendments**

Please check one of the following:

Standard Map Amendment  
*Complete Sections A, B, C, F*

Site Specific Rezone  
*Complete Sections A, B, D, F*

Zoning Text Amendment  
*Complete Sections A, E, F*

Do not write in this section of the application-for official use only.

Date Received: \_\_\_\_\_ File : \_\_\_\_\_

Date Complete: \_\_\_\_\_ Initials of reviewer: \_\_\_\_\_

Topic of Proposed Amendment:

Moratorium and Comprehensive Review of Point Roberts Special District 20.72, and the Point Roberts Design Guidelines.

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

Applicant's Name: Point Roberts Independent Business Council

Signature: \_\_\_\_\_

Mailing Address: 1940 APA Road

Point Roberts, WA 98281

Email Address: pointrobertsibc@gmail.com

Home Phone #: 3609452353 Cell Phone #: 3603197958 Business Phone # \_\_\_\_\_

Agent's Name: Brian Calder

Mailing Address: 1940 APA Road

Point Roberts, WA 98281

Email Address: pointrobertsibc@gmail.com

Business Phone #: (360) 945-2353 Cell Phone #: (360) 319-7958 Home Phone #

**Please complete the questions below. Attach additional pages as needed.**

1. Give a complete but short description of the proposed amendment.

An Immediate Moratorium of Point Roberts Special District 20.72, excepting for Sections 20.72.400 and 20.72.653, until such time as a Hearing Examiner Process is able to comprehensively assess the economic impacts and the overall efficacy of this Whatcom County Code which is in direct conflict with the existing Point Roberts Sub-Area Plan, which it purports to enforce.

2. Explain how the proposed amendment is consistent with the goals, policies, and overall intent of the Comprehensive Plan by listing specific goals or policies and explaining how the proposal complies with each of them.

Establishment of the Point Roberts Special District 20.72 failed entirely to address critical economic impacts on Point Roberts. There exists no measureability within 20.72 to determine whether it is either beneficial or detrimental to the economic well-being of the Point Roberts business community. Within the Whatcom County Comprehensive Plan there is no specificity for how Whatcom County will periodically review the economic impacts of either the Point Roberts Sub-Area Plan or Ordinances passed by County Council which have cited the Sub-Area Plan as rationale for Zoning or Code implementation such as Point Roberts Special District 20.72. WCC Small Town Commercial 20.61 is sufficient to address these concerns and should be the only STC zoning considerations for Point Roberts, so as to provide parity with the entirety of Whatcom County.

3. Describe the "changed" condition(s) which support the amendment.

In 2019 Whatcom County issued a 'temporary' moratorium on Point Roberts Special District 20.72, requesting that the Point Roberts Community Advisory Committee (established by Ordinance 2010-008) be tasked with proposing revisions to 20.72. The PRCAC's attempt to revise 20.72, failed entirely to address the detrimental economic impacts to local businesses which are presently at risk, for failure to comply with 20.72. The PRCAC's 'so-called 2019 review' of 20.72 blatantly refused to consider how 20.72, or the thirty year-old Point Roberts Sub-Area Plan have negatively impacted the economic viability of the community of Point Roberts.

**B. Zoning Map Amendments (Standard Map Amendments and Site Specific Rezones)**

Property Interest of Applicant:

Purchaser/Owner

Lessee

Other: \_\_\_\_\_

Existing Comprehensive Plan Designation: \_\_\_\_\_

Existing Zoning District: \_\_\_\_\_

Subarea: \_\_\_\_\_

1. What is the proposed zoning classification? Proposed Classification: Overlay
2. What is the present use of the property or properties within the proposed rezone?

3. Describe the land use of the surrounding properties.

Land use of the surrounding properties is predominantly zoned Small Town Commercial.

### **C. Standard Map Amendments**

1. Supporting information for standard map amendments. Attach the following items:
  - a. A vicinity map showing property lines, roads, buildings and their use, easements, existing and proposed zoning, wells and other pertinent data.
  - b. A list of all property owners and others having a legal interest in the property covered by the proposed change.
  - c. A list of the names and mailing addresses of the owners of all property within 300 feet (exclusive of roads and alleys).

A site plan may be requested at a future date if the intended amendment is to accommodate a particular development. The applicant may wish to submit a plan at the time of application. The site plan is a scaled drawing showing approximate location of buildings, roadways, parking, drainage facilities, sanitation and water facilities, and easements. Where appropriate, the location of landscaping, buffers, common areas, and typical individual lease spaces for mobile home and recreational vehicle parks shall be included in the site plan.

### **D. Site Specific Rezones**

1. Does the proposed amendment have a substantial relationship to public health, safety, morals, general welfare or community needs?

No agency, department, organization, committee or individual has provided any economic impact studies since the establishment of 20.72, nor within subsequent amendments to support its furtherance, nor has Whatcom County provided any means of ongoing measurability of its economic benefit to the local economy.

The proposed amendment does in fact have a substantial relationship to public health, safety, morals, general welfare and community needs. Point Roberts has never implemented an Economic Development Strategy, and by proxy, has no reasonable means by which to measure the efficacy of and economic impacts on the local economy. No Ordinance, Zoning overlay or proposed revisions of existing zoning, or enforcement of such, should be implemented without sufficient economic impact consideration. There is in fact a clear and present danger to the general welfare and community needs.

2. Will the proposed use be serviced adequately by essential public facilities such as highways, streets, public safety and fire protection, drainage structure, refuse disposal, water and sewers, and schools; or will the persons or agencies responsible for the establishment of the proposed use be able to adequately provide any such services? Describe.

No additional essential Public Facilities would be required for either a moratorium of 20.72, nor would additional essential Public Facilities be required for a Comprehensive Review and Assessment by the Hearing Examiner Process.

3. Is the proposal is located within an Urban Growth Area?      Yes      **No** (go to question #14)
- a. Will the site be serviced by full urban services or be capable of receiving urban services in time to serve the development?      Yes      No
- b. Will the proposed site use preclude development at urban levels of density when the area is annexed into the city?      Yes      No
- c. Will the proposed site be five (5) or more acres in size?      Yes      No

4. Supporting information for site-specific map amendment. **Attach the following items:**

- a. A vicinity map showing property lines, roads, buildings and their use, easements, existing and proposed zoning, wells and other pertinent data.
- b. A conceptual site plan drawn at not less than one (1) inch to one-hundred (100), unless mutually agreed to by the proponent and administrative official, including, but not be limited to:
1. General location of structures.
  2. Location and number of access points.
  3. Approximate gross floor area of structures.
  4. Name of the proposal.
  5. Identification of areas requiring special treatment due to their sensitive nature.
  6. North directional arrow.
  7. Names and location of all public streets or roads bordering the site.
  8. General legal description(s) for the site.
- c. Concurrent submittal of a Discretionary Development Permit or Building Permit, if required for the project.

*NOTE: If the project does not require a Discretionary Development Permit or Building Permit or will be constructed in phases, then a narrative statement must be submitted with the conceptual site plan that provides a detailed description of the project proposal and a project completion date. If the project will be constructed in phases provide start and completion dates for each phase and include a final completion date for the entire proposed project.*

- d. A list of all property owners and others having a legal interest in the property covered by the proposed change.
- e. Evidence that all property owners within the proposed rezone boundary concur with the rezone and project proposal.

- f. 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.

- g. A completed Environmental Checklist.

**E. Zoning Text Amendments**

Are there any other circumstances that justify the proposed change?

Without a substantive Economic Development Strategy, any and all code and/or revisions to existing zoning overlays which contradict sound economic development policy, prevent and subvert any and all efforts for the Point Roberts Community to provide economic benefit to its residents, property owners, taxpayers, and business community.

The present global economic downturn, caused in large part by the World Health Organization's Covid-19 global health pandemic pronouncement, presents a clear and imminent threat to the economic viability of all tourism specific locations throughout the world.

To further handicap Point Roberts in this regard, by failing to properly address the shortcomings and inadequacies of Point Roberts Special District 20.72, would be malfeasance of the highest order, would unnecessarily place both the near term and long term economic health and well-being of Point Roberts in jeopardy.

Failure to provide access to the Whatcom County Hearing Examiner process, and by proxy the Planning Commission, for a Comprehensive Review of Point Roberts Special District 20.72, would place Whatcom County in jeopardy for costly litigation, which in turn would cause significant economic peril for both Whatcom County and Point Roberts.

**F. Authorization:**

Signature of Applicant(s) or Agent:

Point Roberts Independent Business Council \_\_\_\_\_ Date: February 17, 2020  
 \_\_\_\_\_ Date: \_\_\_\_\_  
 \_\_\_\_\_ Date: \_\_\_\_\_

**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

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

Date Received: \_\_\_\_\_ File #: \_\_\_\_\_

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:

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

**Applicant Name:** \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ City \_\_\_\_\_  
State \_\_\_\_\_ Zip Code \_\_\_\_\_ Phone # \_\_\_\_\_  
Email \_\_\_\_\_

**Agent/Contact Name:** \_\_\_\_\_  
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) \_\_\_\_\_  
Total Acreage - Gross \_\_\_\_\_ Net: \_\_\_\_\_  
Site Address \_\_\_\_\_  
Township: \_\_\_\_\_ Range: \_\_\_\_\_ Section: \_\_\_\_\_ ¼ Section: \_\_\_\_\_

**Owner Name** \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ City \_\_\_\_\_  
State \_\_\_\_\_ Zip Code \_\_\_\_\_ Phone # \_\_\_\_\_  
Email \_\_\_\_\_

1. Existing Comprehensive Plan Designation: \_\_\_\_\_
2. Existing Zoning Designation: \_\_\_\_\_
3. Proposed Comprehensive Plan Designation: \_\_\_\_\_
4. Proposed Zoning Designation: \_\_\_\_\_
5. The Present Use of the Property is:



6. The Intended Future Use of the Property is:

7. Surrounding Land Use:

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: \_\_\_\_\_

The site is currently served by:  Public Water System     Well

If public water the purveyor is: \_\_\_\_\_

The site is located on a:  Public Road                       Private Road

Name of Road: \_\_\_\_\_

Fire District #: \_\_\_\_\_ Name: \_\_\_\_\_

School District #: \_\_\_\_\_ Name: \_\_\_\_\_

9. Transfer of Development Rights (TDRs):

Are TDRs required under section 20.89.050 of the Whatcom County Code?

Yes                       No

If so, please explain how your proposal complies with the TDR requirements and/or how you qualify for modification/exceptions from the TDR requirements





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

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.

**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: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

**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 23 2019

RECEIVED

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

Date Received: 12/23/2019 File #: PLN 2020-00003

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:**

Changing lots that have residential homes on it and a vacant lot that is situated between residential homes from Neighborhood commercial to residential zoning.

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

**Applicant Name** CHARLES P. VOGEL & George Johnson

Mailing Address: 478 E. WISER LAKE RD City LYNDEN

State WA Zip Code 98264 Phone # 360-220-0425

Email CPV490@COMCAST.NET

**Agent/Contact Name:** CHARLES P. VOGEL

Mailing Address: 478 E WISER LAKE RD City LYNDEN

State WA Zip Code 98264 Phone # 360-220-0425

Email CPV490@COMCAST.NET

Please complete the questions below. Attach additional pages as needed

**B. For Map Amendments**

**Parcel Information**

Tax Parcel Number(s) (APN) 380127-4560160000,3801274570230000,3801274550090000

Total Acreage - Gross 1.25 ACRES OR (54450 sq ft.) Net: 1.25 acres

Site Address 3384 Northgate Rd., XXXX Northgate Rd. , 3376 Northgate Rd. Bellingham, Wa

Township: 38 Range: 1-E Section: 27 ¼ Section:

**Owner Name** Charles & Yolanda Vogel, George & Marion Johnson, Gary & Nancy Lee

Mailing Address: 478 E. Wiser Lake Rd. City Lynden

State Wa Zip Code 98264 Phone # 360-220-0425

Email cpv490@comcast.net

- 1. Existing Comprehensive Plan Designation: Rural neighborhood
- 2. Existing Zoning Designation: Neighborhood Commercial
- 3. Proposed Comprehensive Plan Designation: Rural Neighborhood
- 4. Proposed Zoning Designation: Rural Residential RR-1

5. The Present Use of the Property is:  
 2 single family residences and 1 vacant lot which is situated between the 2 homes.



6. The Intended Future Use of the Property is:

Single family residences which was the use prior to the County rezoning the properties in 1999.

7. Surrounding Land Use:

Directly North of the Property and abutting it there are single family residences. West of the Properties across the street there are single family residences. South of the properties are also single family residences. East of the properties is vacant land.

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: Lummi Tribla Water & Sewer District

The site is currently served by:  Public Water System       Well

If public water the purveyor is: Community Well Leeward/Northgate Water Associati

The site is located on a:  Public Road       Private Road

Name of Road: Northgate road

Fire District #: 8      Name: Marietta Gooseberry Point

School District #: 502      Name: Ferndale School District

9. Transfer of Development Rights (TDRs):

Are TDRs required under section 20.89.050 of the Whatcom County Code?

Yes       No

If so, please explain how your proposal complies with the TDR requirements and/or how you qualify for modification/exceptions from the TDR requirements

**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.

N/A

**D. For All Amendments:**

1. Why is the amendment needed and being proposed?

All the lots surrounding these 3 lots are very nice homes and are used as residential. These lots protrude into the residential neighborhood. Being the neighborhood is surrounded by upper priced homes none of the neighbors are interested in seeing these properties used a commercial because it would be at there front door step or back yard. Of the 3 properties we are proposing to be rezoned residential 2 are already being used as residential with existing homes. One property is vacant. If it was not rezoned the owner would be left with only being able to build a restaurant, gas station or some other type of commercial establishment which all the residents would oppose. It would be opposed because it does not fit the character of the neighborhood which is residential. The amendment is to undo a error in a rezone that happened in 1999 that changed homes that were built and zoned and used as residences to commercial.

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

The Comprehensive plan design is for Rural Community. This plan allows for more denser developement of residential in the area.

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

It is consistent under the policy in Appendix (C) B-3

"Whatcom County shall promote appropriate land uses and allow for infill within rural settlements "

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

It is consistent with the Comprehensive plan under Land Use Chapter 2 Policy 2-GG-1 and Policy Goal 2-JJ-1 and Policy 2 JJ-5.

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?

Illegal Spot Zoning 20.97.186

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.

There should be literally No effect on population growth or employment growth or development as envisioned by the Comprehensive Plan. The main reason is 2 of the 3 properties being changed to residential are already being used as residential. The 3rd property which is a vacant lot is already served by Lummi Tribal water and sewer and is being billed in accordance to use.

The effect on the ability of the County to serve the properties being rezoned is again essential nil or zero. As 2 properties are already residences hooked up to water and sewer and the 3 is already hooked up to water and pays a monthly sewer fee. So only effect would be to schools if in the future the residence would have children living there. Yet this effect would be minimal as the assessment of the property would be higher and generate more tax dollars for the school. There is no anticipated effect on forest or agricultural lands.

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

The Properties were previously used as residences prior to Whatcom County rezoning them to neighborhood commercial. In addition the properties were part of an existing neighborhood that was residential. It is not just one spot or area apart from the current residential use that surrounds these properties.

#### **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:
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  - 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.

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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 amendment eliminates commercial development pocket inside of a residential neighborhood. So keeping the neighborhood residential as it is currently used. It also supports what the neighbors believe to be the best use of the properties being rezoned.

**E. Authorization:**

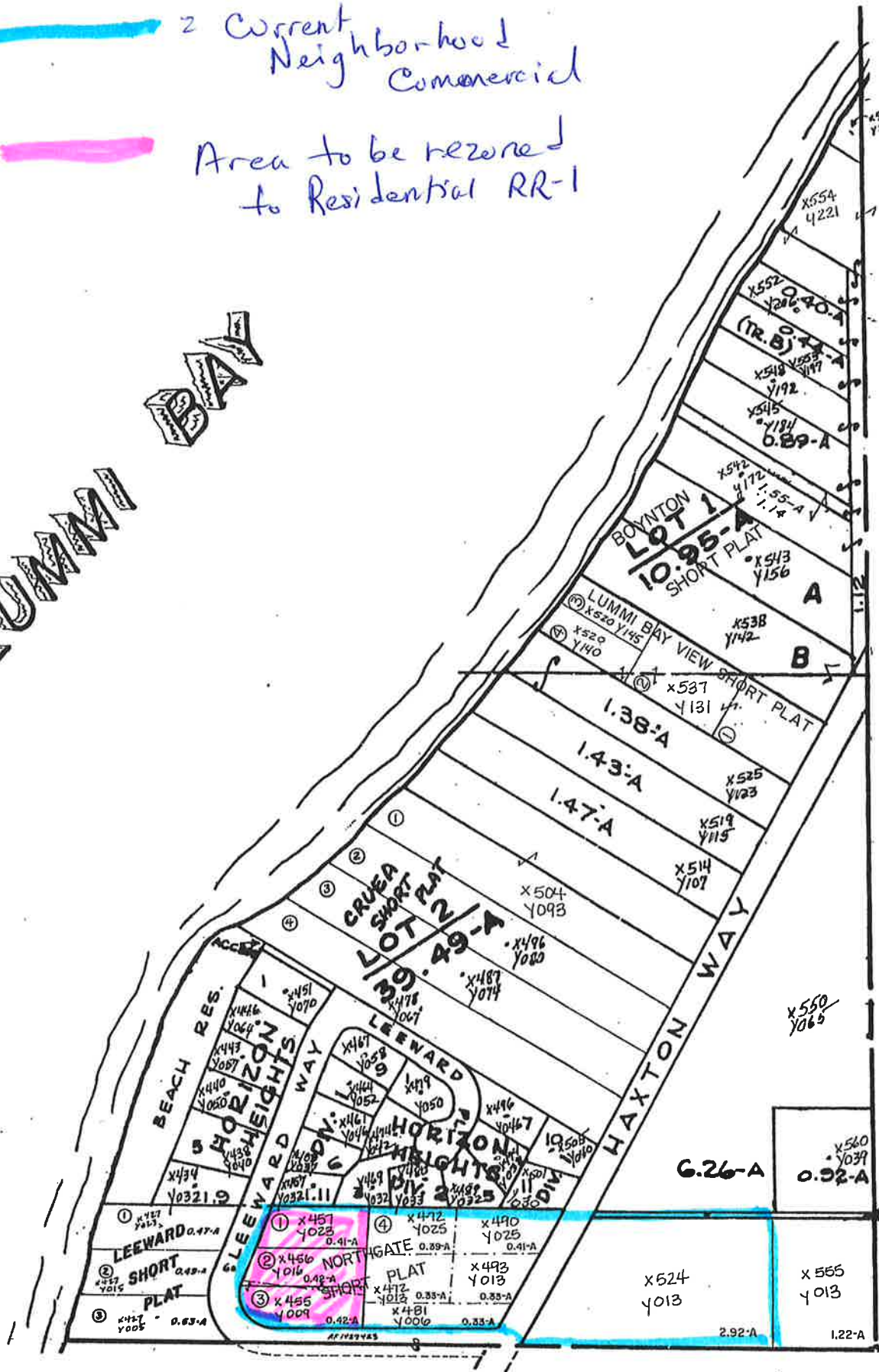
Signature of Applicant(s) or Agent:

Chude Wood Date: 12/19/19  
George E Johnson Date: 12/19/19  
\_\_\_\_\_  
Date: \_\_\_\_\_

2 Current Neighborhood Commercial

Area to be rezoned to Residential RR-1

LUMMI BAY



TOWNSHIP

38

RANGE

IE

SECTION

27

MAP NO.

08

SCALE

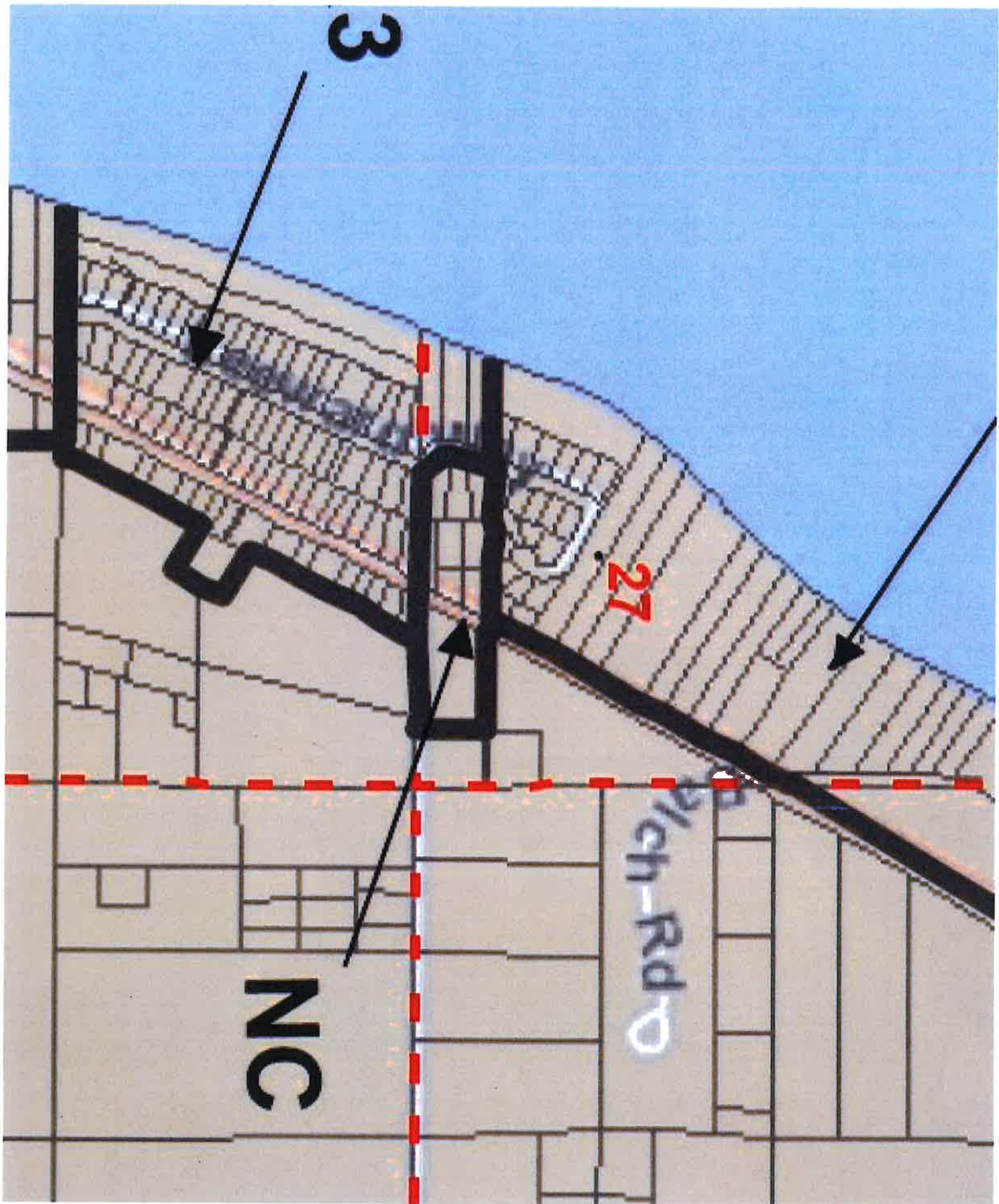
1"=200'

DATE

9/23/64

MAR 03 2011

TX. 3.1  
 1536  
 1027  
 THIS MAP IS FOR ASSISTANCE IN PROPERTY LOCATION AND NOT GUARANTEED FOR ACCURATE MEASUREMENTS







## Whatcom Land Title

2011 Young Street Bellingham, WA 98225  
Ph: (360) 876-8484 Toll Free: (800) 334-6314

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

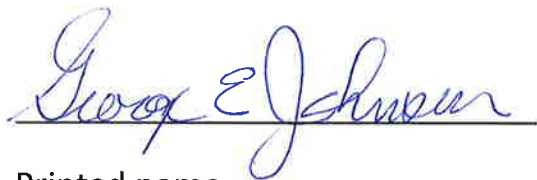
12/19/2019

To whom it may concern,

We are neighbors to the properties Northgate rd that Charles Vogel is applying to rezone. We were very surprised to learn it was commercial. It would be very upsetting if the properties were used as commercial being they are in a very quiet neighborhood. We definitely would not like a commercial business across the street from our front doors.

Please give consideration and allow the 3 properties to be rezoned to residential as that is what fits the character of our neighborhood.

Sincerely

  
\_\_\_\_\_

Printed name

GEORGE E. JOHNSON  
\_\_\_\_\_

12/19/2019

To whom it may concern,

We are neighbors to the properties Northgate rd that Charles Vogel is applying to rezone. We were very surprised to learn it was commercial. It would be very upsetting if the properties were used as commercial being they are in a very quiet neighborhood. We definitely would not like a commercial business across the street from our front doors.

Please give consideration and allow the 3 properties to be rezoned to residential as that is what fits the character of our neighborhood.

Sincerely

Barbara L Demorest

Dennis L Demorest

Printed name

Barbara L Demorest

DENNIS L DEMOREST

2939 Leeward Way  
Bellingham, WA 98224

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

Bellingham, WA 98226

360-778-5900

**CUSTOMER RECEIPT**

Receipt: 520100000000025994

Payor: C&Y INVESTMENTS WA LLC

Date: 12/23/2019

Description	Amount
<b>PLN2020-00003</b>	
Docketing App. Fee #8438	<b>405.00</b>
3% Tech Fee #2843	<b>12.15</b>
<b>Total:</b>	<b>\$ 417.15</b>

**Check # 8823      Paid      \$ 417.15**

C&Y INVESTMENTS WA LLC

***Thank you!***

Updated 4.10.17



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.

WHATCOM COUNTY  
PLANNING & DEVELOPMENT SERVICES

DEC 23 2019

RECEIVED

## A Background

- 1 Name of proposed project, if applicable:  
Northgate Residential Rezone of 2 family homes and one vacant lot.
- 2 Name of applicant: CHARLES VOGEL  
Applicant phone number: 360-220-0425  
Applicant address: 478 E WISER LAKE RD  
City, State, Zip or Postal Code: LYNDEN, WA. 98264  
Applicant Email address: CPV490@COMCAST.NET
- 3 Contact name: CHARLES VOGEL  
Contact phone number: 360-220-0425  
Contact address: 478 E WISER LAKE RD  
City, State, Zip or Postal Code: LYNDEN, WA. 98264  
Contact Email address: CPV490@COMCAST.NET
- 4 Date checklist prepared: CHARLES VOGEL
- 5 Agency requesting checklist: WHATCOM COUNTY PLANNING DEPT.
- 6 Proposed timing or schedule (including phasing, if applicable):  
REZONE IN 2020
- 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:  
Acquiring a single family home building permit for vacant lot. No changes to existing homes
- 8 List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal:  
No environmental information applicable, 2 homes already exist were permitted and built 1990's and vacant lot was cleared 30-40 years ago and is just lawn.
- 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.

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

Approval of Whatcom County to amend zoning map from Neighborhood Commercial to Residential.

- 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.)

Rezone 3 properties consisting of 2 family homes and a vacant lot situated in the middle of Residential zoning. Change the zoning from Neighborhood Commercial to residential RR-1.

The rezone will be a total of 1.25 acres.

- 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.

Address of properties are 3384 Northgate Rd. and 3376 Northgate rd. Bellingham, Wa. and XXXX Northgate rd the vacant lot situated between 3384 Northgate rd and 3376 Northgate rd.

Parcel #s 3801274560160000, 380127457023000, 3802744550090000

See Attached plat map.

## 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)?

2% slope overall for about 200 ft then where the county road was cut in on west side the slope is about 45% for about 25 ft.

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.

Sandy loam soils currently covered by lawn and residences. There were be not longer significance as use will be the same except one additional residence will be built in the future.

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.

No immediate excavation but when home is built in the future excavation would be rought an area of about 2000 sqt ft.

Indicate source of fill.

NO FILL WILL BE NEEDED.

Indicate were excavation material is going.

Excavation material will be leveled and left on site.



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

If so, generally describe.

There is vegetation that surrounds area and seeded grass.

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

Currently no change but in the future impervious surface would be roughly 3000 sq ft which would consist of new family residence and driveway.

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

Silt fence and hay berms

## 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)?

NO EMISSIONS.

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

N/A

- 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.

- (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.

- (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.

Does the proposal lie within a 100-year floodplain?

Yes  No

If so, note location on the site plan.

- (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

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.

There is an existing well that serves the 3 lots that are being rezoned and 3 other single family residences.

The system is called the LEEWARD/ NORTHGATE WATER ASSOCIATION.

- (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.

N/A

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).

Where will this water flow?

Will this water flow into other waters? Yes  No

If so, describe.

(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.

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

#### 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?

NO VEGETATION WILL BE REMOVED.

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

NO ENDANGERED SPECIES.

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

NONE NEEDED.

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,

Heron,

Eagle,

Songbirds;

Other:

### Mammals:

Deer,

Bear,

Elk,

Beaver;

Other:

### Fish:

Bass,

Salmon,

Trout,

Herring,

Shellfish;

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.

- d. Proposed measures to preserve or enhance wildlife, if any:  
NONE NEEDED

- e. List any invasive species known to be on or near site.  
NONE OBSERVED

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.  
Electric and propane.

- b. Would your project affect the potential use of solar energy by adjacent properties?    Yes     No   
If so, generally describe.

- 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:  
Being just a rezone no immediate features are included

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.

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

NONE

- (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

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

NONE REQUIRED

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

NOT NEEDED

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 right now but in the future when new residence is built 1 week of machinery noise will foundation is dug from 9-5pm

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

None right now but in the future Work during normal business hours

## 8 Land and Shoreline Use

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

Single family Residences

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?

- (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.

Currently 2 single family homes and 1 vacant lot.



- d. Will any structures be demolished? Yes  No   
If so, what?
- e. What is the current zoning classification of the site?  
Neighborhood Commerical
- f. What is the current comprehensive plan designation of the site?  
Rural Neighborhood
- g. If applicable, what is the current shoreline master program designation of the site?  
N/A
- h. Has any part of the site been classified as a critical area by the city or county? Yes  No   
If so, specify.
- i. Approximately how many people would reside or work in the completed project?  
None.
- j. Approximately how many people would the completed project displace?  
NONE
- 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:  
Rezone the 3 properties so they are zoned the same use as all the properties to the North and south and west which is residential
- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any?  
N/A

## 9 Housing

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

High                      Number of Units 1  
 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 N/A  
 Middle  
 Low-income

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

## 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?

Currently none proposed. But in the future would not exceed county regulations.

- 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?

NO

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:

N/A

## 12 Recreation

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

NONE

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.

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.

- 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.

N/A

- 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.

Northgate rd. and Leeward Way. See attached plat map.

- 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?

- 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.

n/a

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?

No new trips immediately but in the future after new residence is built 2-4 trips a day.

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

None needed Transportation impact will be negligible.

## 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.

No new utilities proposed.

**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: Charles P. [Signature]

Date Submitted: 12/19/19

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**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?

Not likely

Proposed measures to avoid or reduce such increases are:

None Needed

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

No new affect to any of the above.

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

None needed.

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

Will not deplete energy or natural resources

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

NONE NEEDED

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?

Will not affect any of the above.

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

N/A

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?

Will not affect any of the above.

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

n/a

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

Unlikely that an increase in demands on any of the above mentioned

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

n/a

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

Does not conflict with any local, State, or Federal laws.





# Nooksack Falls Site Specific Rezone Application

## *Narrative Supplement*

PLANNING & COMMUNITY SERVICES

FEB 25 2020

RECEIVED

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.

**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**

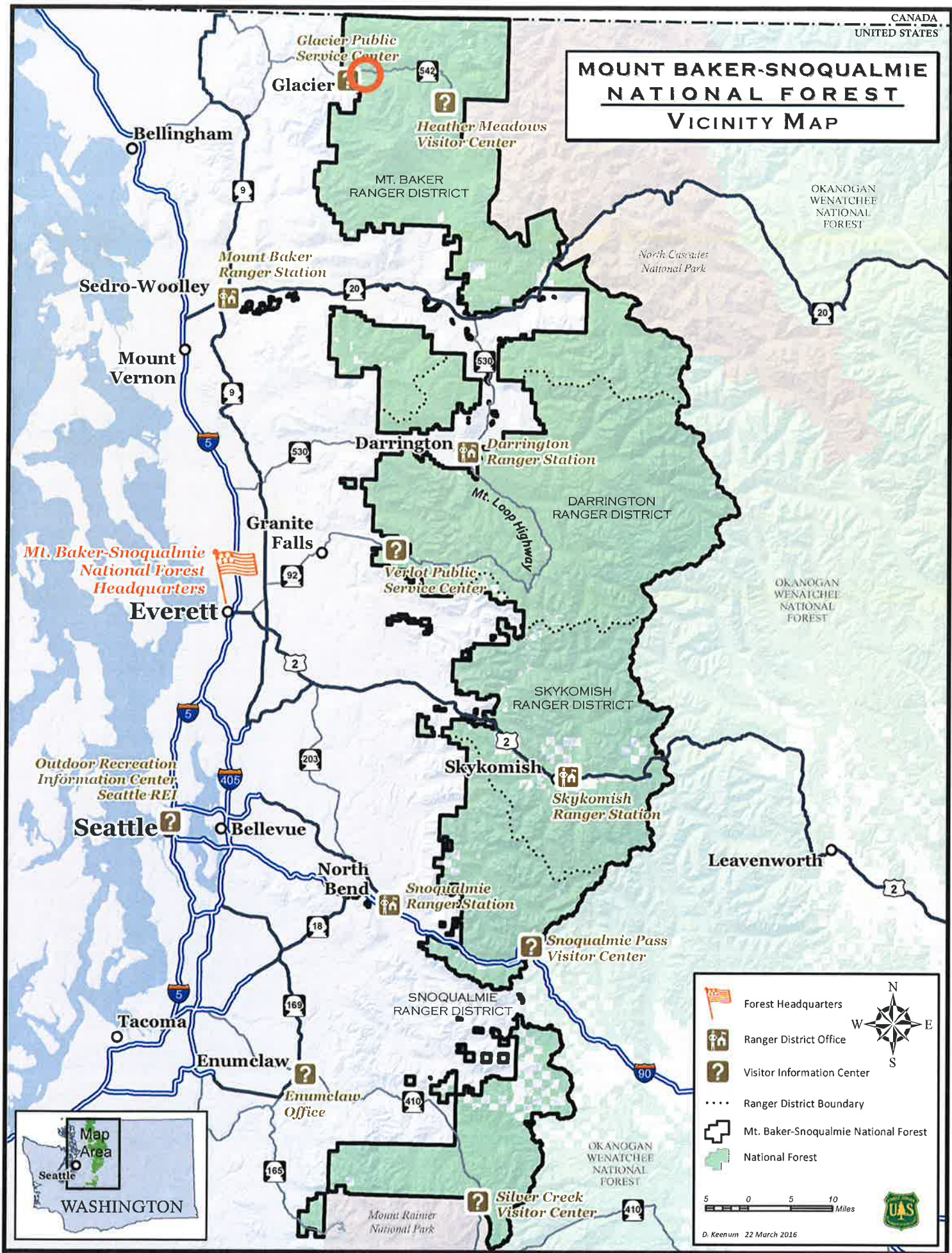
Signature of Applicant(s) or Agent:

 \_\_\_\_\_ Date: 12/30/19

\_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

# MOUNT BAKER-SNOQUALMIE NATIONAL FOREST VICINITY MAP



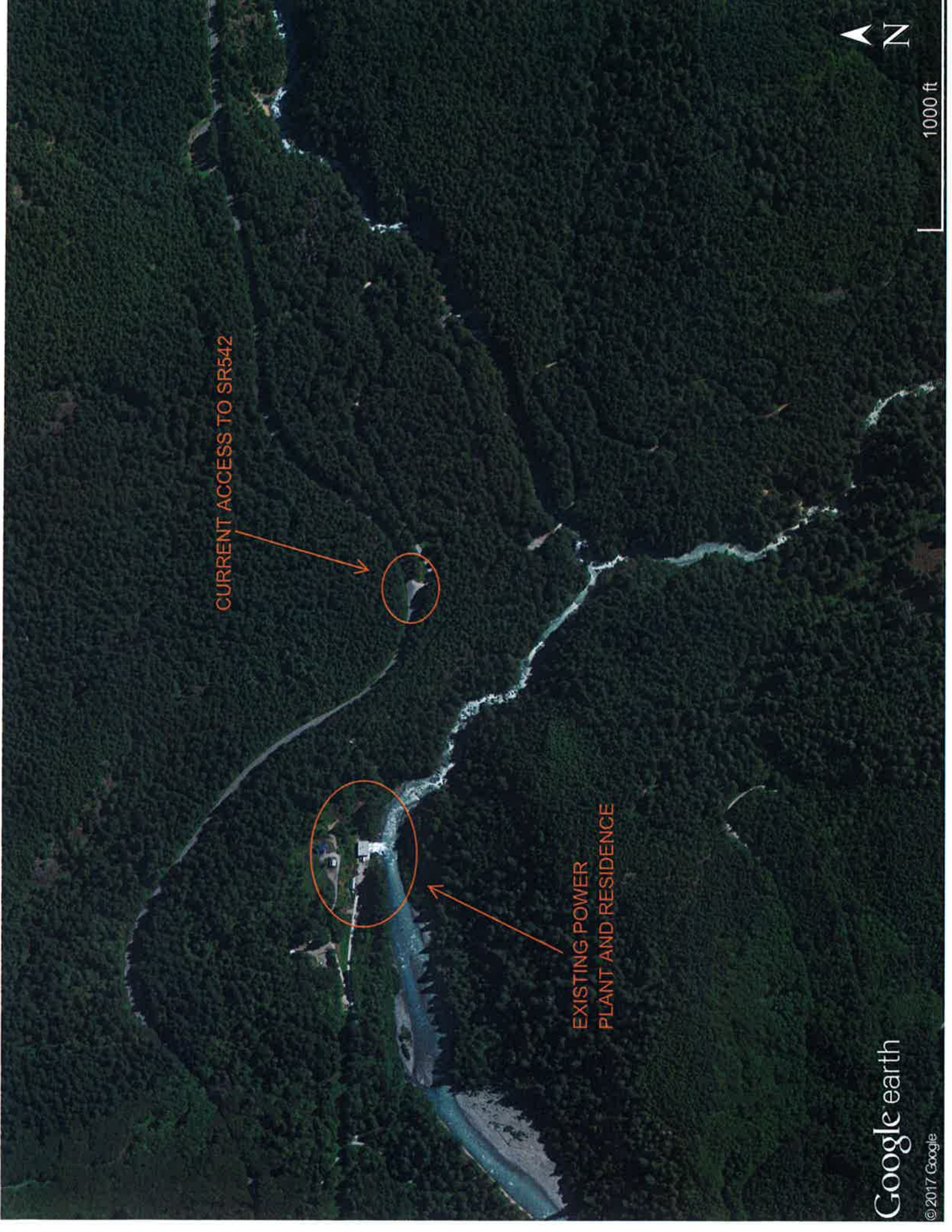
*Mt. Baker-Snoqualmie  
National Forest  
Headquarters*

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 oversize 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?

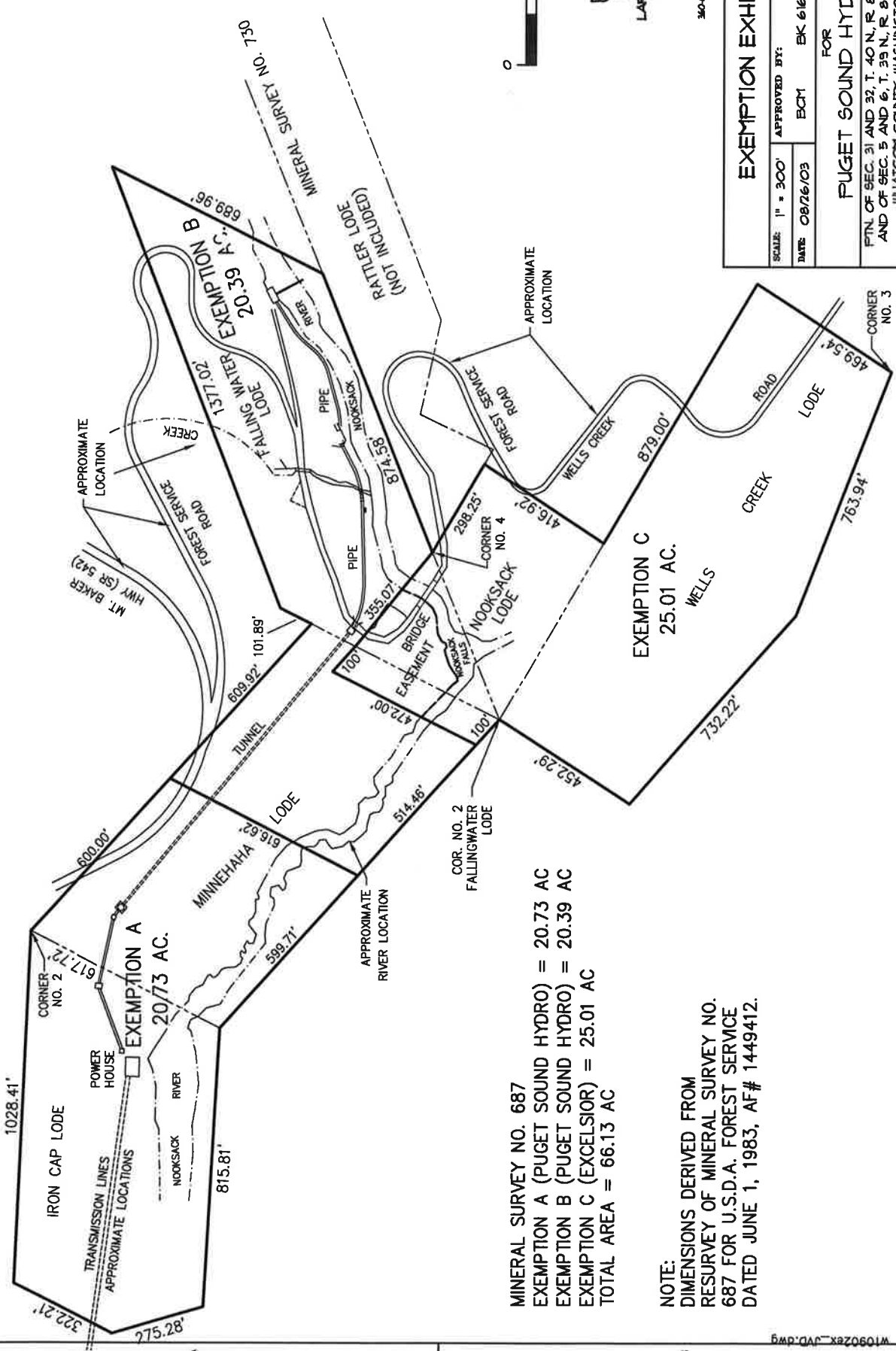
The proposal would not alter demand on transportation, public services or utilities. Future development could increase this demand.

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.



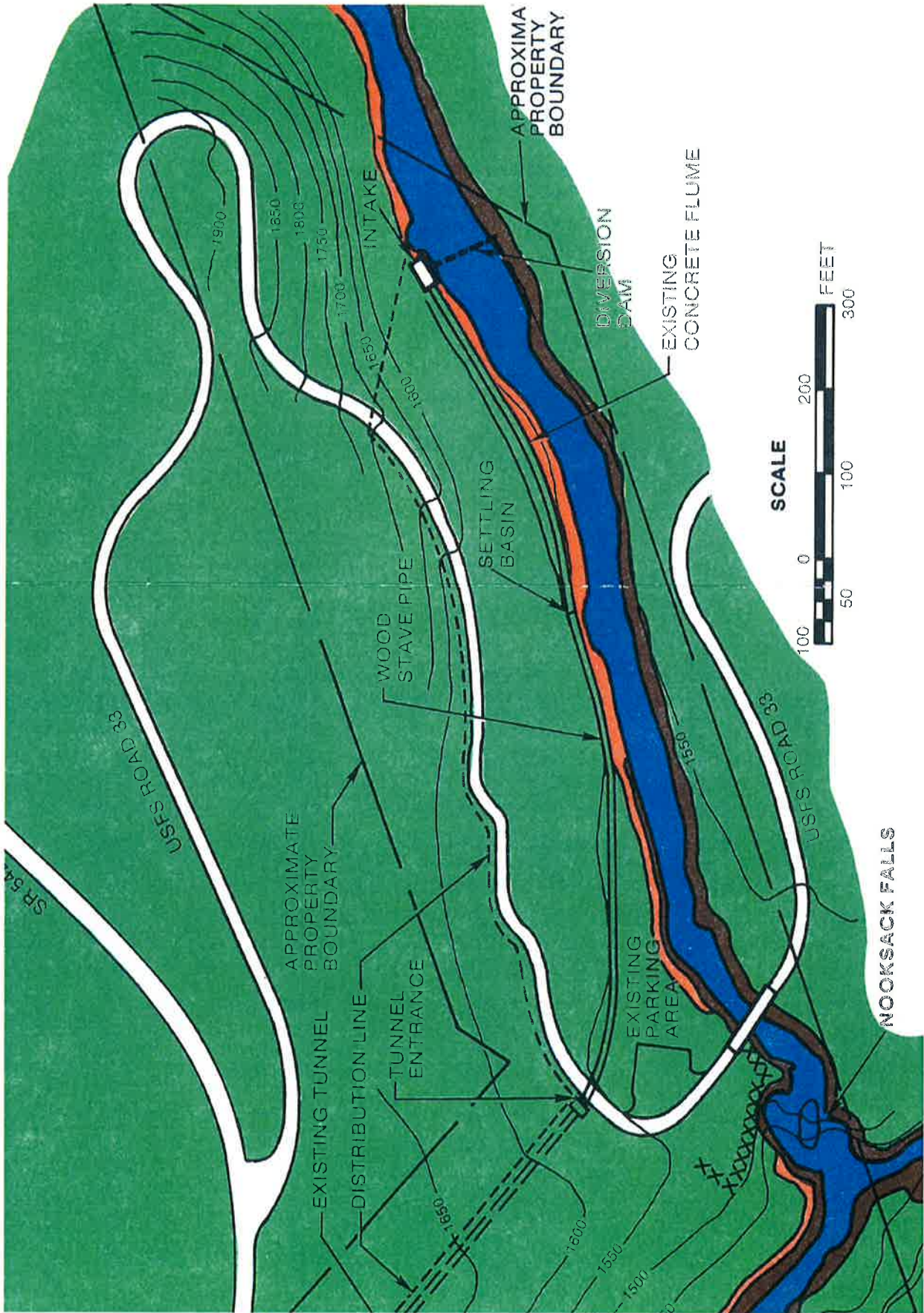
MINERAL SURVEY NO. 687  
 EXEMPTION A (PUGET SOUND HYDRO) = 20.73 AC  
 EXEMPTION B (PUGET SOUND HYDRO) = 20.39 AC  
 EXEMPTION C (EXCELSIOR) = 25.01 AC  
 TOTAL AREA = 66.13 AC

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

<b>EXEMPTION EXHIBIT MAP</b>	
SCALE: 1" = 300'	APPROVED BY: CHC/JVD
DATE: 08/26/03	BCM BK 6/16/21
FOR <b>PUGET SOUND HYDRO, L.L.C.</b>	
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





NOOKSACK FALLS

APPROXIMATE PROPERTY BOUNDARY

DIVERSION DAM

EXISTING CONCRETE FLUME

INTAKE

SETTLING BASIN

WOOD STAVE PIPE

APPROXIMATE PROPERTY BOUNDARY

TUNNEL ENTRANCE

EXISTING TUNNEL

DISTRIBUTION LINE

USFS ROAD 38

USFS ROAD 38

SR 54

3

2

1

3

2

1

A

B

A

B

3

2

1

A

A

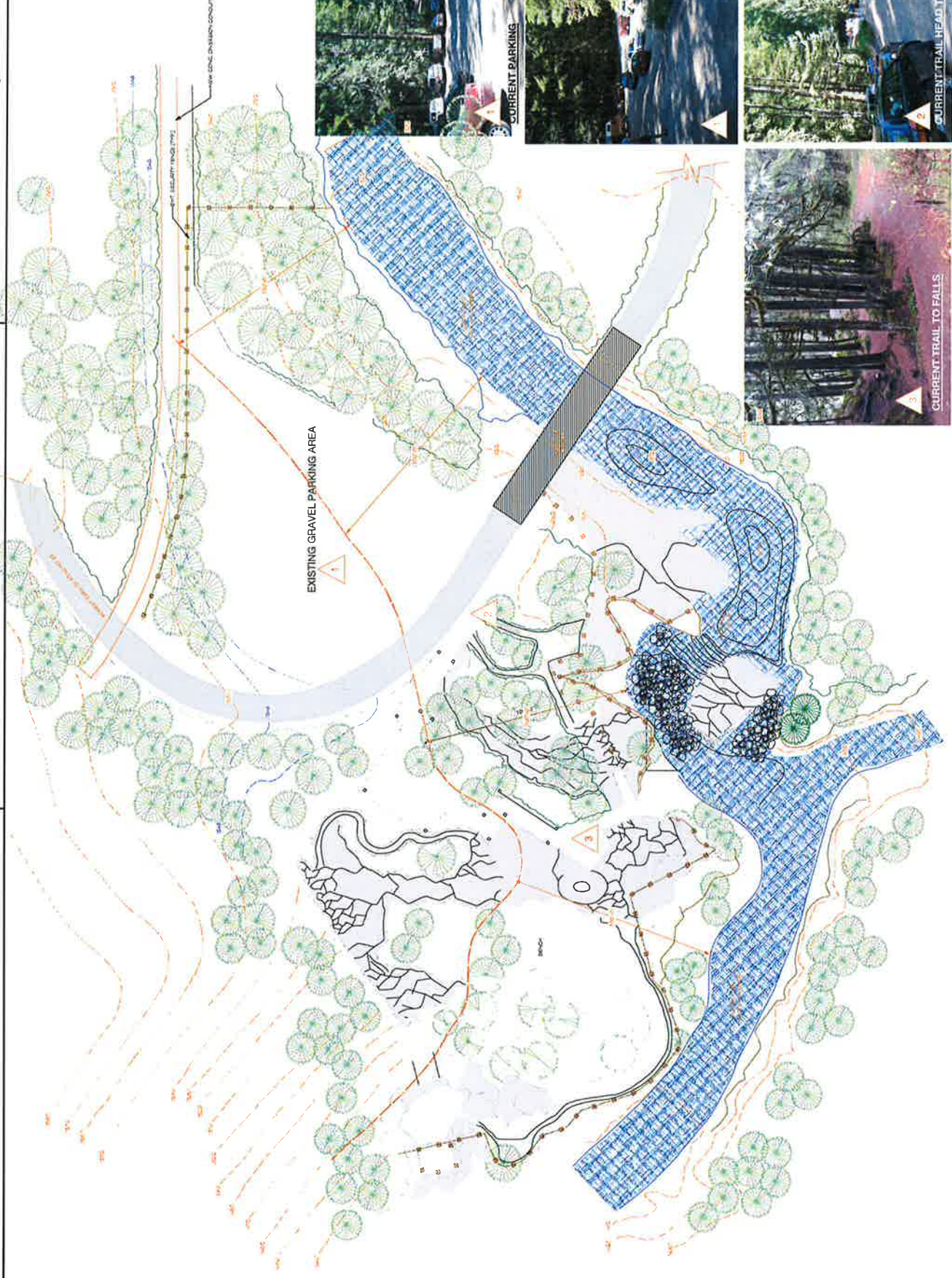
B

B

3

2

1



EXISTING GRAVEL PARKING AREA

NEW CONC. DIVISION COUNTER



# 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 LODGESELY 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 000000 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	1500 sq				
11. Bldg. Permitted No. of Units	1000 1001				
12. Year of Construction	Year				
13. Concrete	1100 00				
14. Basic Sq. Ft. Cost					
<b>SQUARE FOOT REFINEMENTS</b>					
15. HVAC Adjustment					
16. Elevator Deduction					
17. Misc. Adjustment					
18. Total Lines 14-17	1100 00				
<b>HEIGHT AND SIZE REFINEMENTS</b>					
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	1.100 00				
26. Field Sq. Ft. Cost	1210 00				
27. Total Sq. Footage					
28. Basic Replacement Cost	1210 00				
29. Lump Sum Adjustment					
30. Basic Replacement Cost	1210 00				
31. Depreciation Percentage					
32. Depreciation Amount	172 50				
33. Depreciated Cost	1037 50				
<b>TOTAL OF ALL SECTIONS</b>					
34. Income Cost	1720 00				
35. Total Replacement Cost	1037 50				
36. Total Depreciated Cost	1037 50				
37. TOTAL ASSESSED VALUE	\$1,037,500				

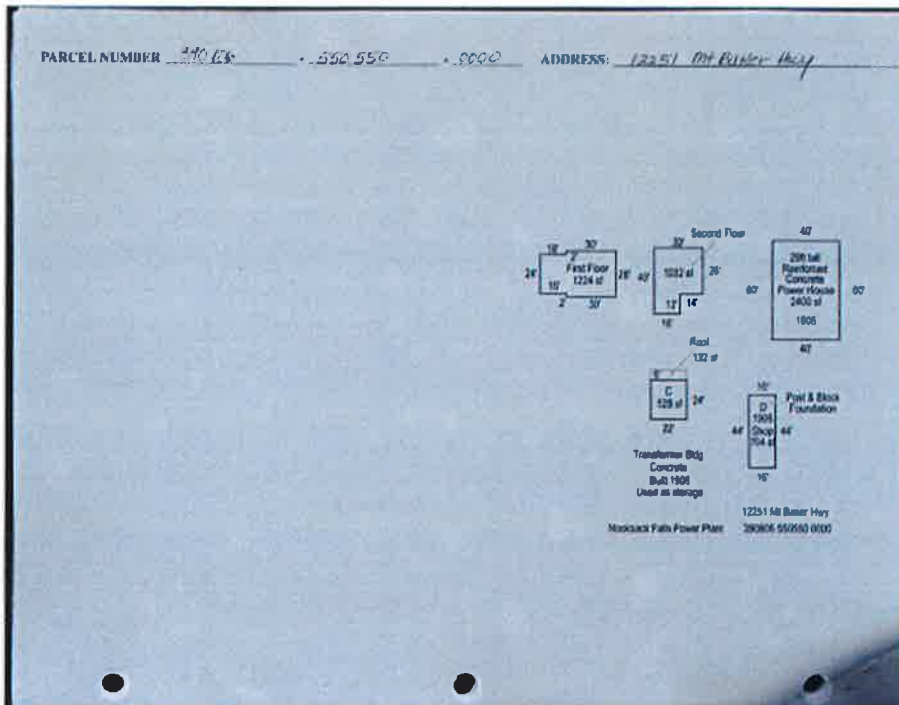
**NOTES**

1720000 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  
300005-000000-0000  
12251 Mt Baker Hwy

Completion Dates: 1900 and 1931

EXISTING FACILITIES	Type	Dimensions
<b>DAM</b>	Overflow timber crib	728 (21.9m) long by 98 (2.7m) high North Fork Nookack River
<b>INTAKE</b>	Reinforced concrete Four - intake type Gate sills	6.88 (1.78) H x 68 (1.2m) W
<b>PLUMB</b>	Reinforced concrete box	4508 (137m) 8.55 (2.6) H x 6.58 (2.0m) W
<b>ROCK TRAP</b>	Reinforced concrete	308 (10.7m)
<b>PIPELINE</b>	Low Pressure Steel Conduit	5628 (172.7m) 88 (1.8m)
<b>TUNNEL</b>	Unreinforced Hard Rock	1,028 (312m) 88 (2.7m) H x 88 (2.6m) W
<b>BURGE TANK</b>	Reinforced concrete overflow	
<b>PENSTOCK</b>	Steel	4701 (143m) 58 (1.8m)
<b>POWER-HOUSE</b>	Reinforced concrete	408 (12.2m) x 608 (18.2m) x 208 (6.4m) High
<b>TURBINE</b>	One - Horizontal shaft impulse Pelton Wheel - 1910	7,000 hp (5.1 MW) 1548 (58.4m)
<b>GENERATOR</b>	Horizontal Capacity 1,500hp - purchased used	
<b>SHOP</b>	Wood frame - steel and brick foundation - metal roof	1500 - 1010 182 x 448 x 81 feet
<b>TRANSFORMER BUILDING</b>	Concrete - 1908 - 1910	228 x 248 with 61 x 238 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 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
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

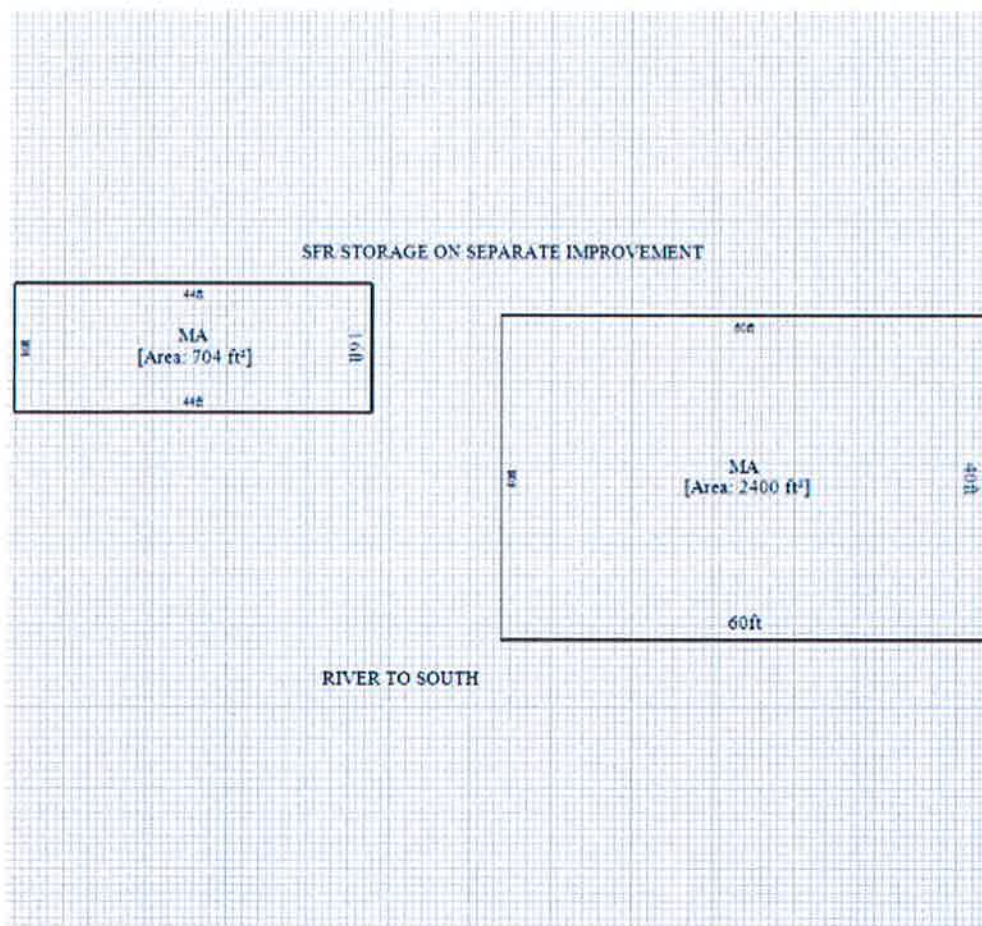
Type	Description	Class CD	Sub Class CD	Year Built	Area
C-MISC IMP	COMCL Misc Lump Sum Imp	C		1906	1500.0
MA	Main Area 1	C	LC	1906	2400.0
MA	Main Area 1	D	A	1906	704.0

**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

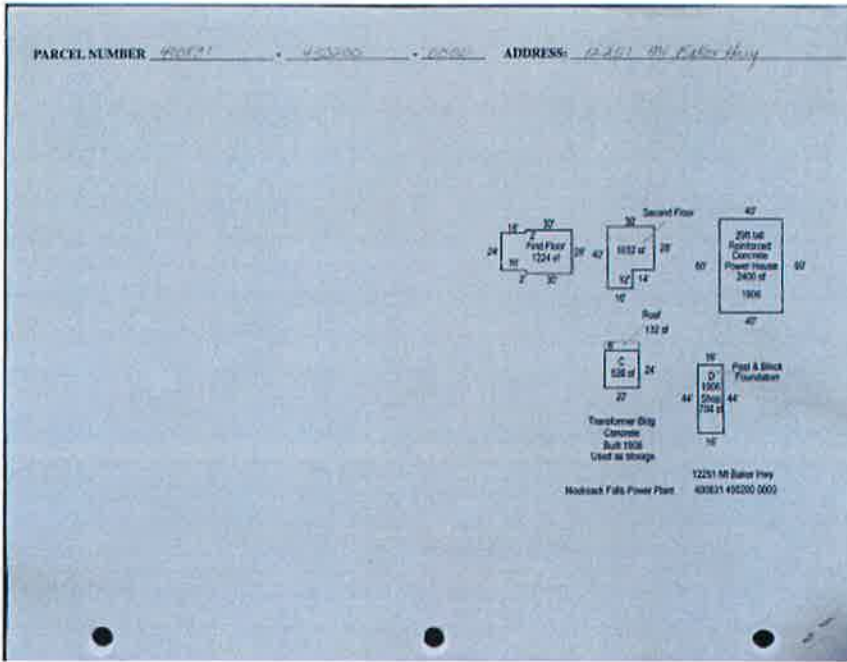
### WHATCOM COUNTY ASSESSOR CALCULATOR COST FORM

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: Nodack 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					
<b>SQUARE FOOT REPAIRMENTS</b>					
17. HVAC Adjustment					
18. Elevator Deduction					
19. Misc. Adjustment					
20. Total Line 16-19					
<b>HEIGHT AND SIZE REPAIRMENTS</b>					
21. No. of Stories Multiplier					
22. Story Height Multiplier					
23. Area Perimeter Multiplier					
24. Combined Ht. & Spc 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. Depreciated Cost					
<b>TOTAL OF ALL SECTIONS</b>					
36. Insure Cost					
37. Total Replacement Cost					
38. Total Depreciated Cost					
<b>39. TOTAL ASSESSED VALUE</b>					

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



40051 AND201 0000

### WHATCOM COUNTY ASSESSOR CALCULATOR COST FORM

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

**SQUARE FOOT COSTS**  
 1. Parcel Number: 40051 AND201 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					
a) Section					
b) Page					
5. Building Class					
6. Building Quality					
7. Exterior View					
8. Siding					
9. Height per Story					
10. Average Floor Area					
11. Story Factor/Mult. of Units					
12. Year of Construction					
13. Condition					
14. Base Sq. Ft. Cost					

**SQUARE FOOT REFINEMENTS**

15. HVAC Equipment					
16. Elevator Adjustment					
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 M. PI Cost					
27. Total Sq. Footage					
28. Base Replacement Cost					
29. Land Bank Adjustment					
30. Base Replacement Cost					
31. Depreciation Percentage					
32. Depreciation Amount					
33. Depreciated Cost					
<b>TOTAL OF ALL SECTIONS</b>					
34. Invoice Code					
35. Total Replacement Cost					
36. Total Depreciated Cost					
<b>37. TOTAL ASSESSED VALUE</b>					

**NOTES**  
 1. This value generated and new electronic charts created after purchase  
 2. This value is not as a backup generated when the gift tax form.

**\$1,684,800**











FIG. 104 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 feeble development. Cornwall had det acquire title to the property for the property as a hydroelectric been \$33,000, followed by \$6,5 quitclaim mining deeds, Cornw claims. In 1903 he, in turn, quit records allege that Cornwall ac property transfers to disguise th alleged that Cornwall had "sals 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");

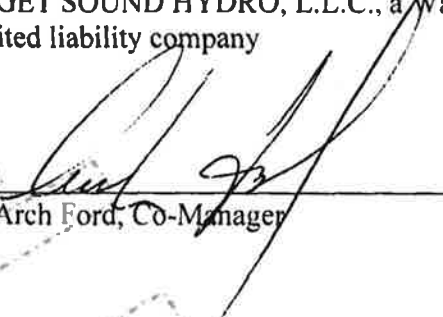
RESERVING THEREFROM: All right, title, and interest for PSE to travel across certain portions of the Property necessary to access the "Project" and the "Generating Facility" (as such terms are defined above) in accordance with the terms and conditions of the licenses and permits granted by Grantor to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

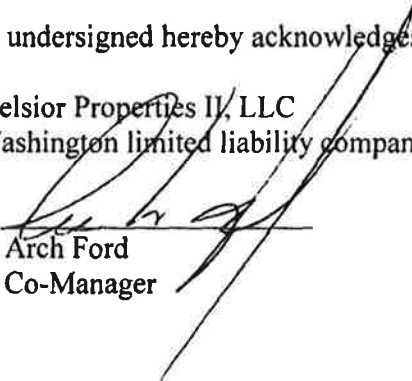
Notice

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: 11/16/2014



**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 [Signature] Print Name NEIL LATTA Date 7/24/03

**APPROVAL:**

Confined:  Yes  No  Unknown *One of the 2 water storage options presented can be used.* See attached information on:

Sanitary Control Area Radius:  50'  100'  Arsenic  EDB/1,2-DCP  Fluoride *Barium*

Approved  Denied Date 9-29-03  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

BOTTLE NUMBER 02100  
 STATE OF WASHINGTON DEPARTMENT OF HEALTH  
**WATER BACTERIOLOGICAL ANALYSIS**  
 SAMPLE COLLECTION: READ INSTRUCTIONS  
**EDGE ANALYTICAL**

DATE COLLECTED MONTH DAY YEAR <u>5/14/03</u>	TIME COLLECTED <u>11:30</u> <input type="checkbox"/> AM <input type="checkbox"/> PM	COUNTY NAME <u>Whatcom</u>
TYPE OF SYSTEM <input type="checkbox"/> PUBLIC <input checked="" type="checkbox"/> INDIVIDUAL	PUBLIC SYSTEM ID# [ ] [ ] [ ] [ ] [ ] [ ] [ ]	CIRCLE GROUP A B

NAME OF SYSTEM  
Arch Ford

SPECIFIC LOCATION WHERE SAMPLE COLLECTED <u>Well Head</u>	TELEPHONE NO. DAY EVENING
--	---------------------------------

SAMPLE COLLECTED BY: (Name)  
Scott

SOURCE TYPE  GROUND WATER UNDER SURFACE INFLUENCE  
 SURFACE  WELL or  SPRING  PURCHASED  COMBINATION  
 WELL FIELD or INTERTIE or OTHER

SEND REPORT TO: (Print Full Name, Address and Zip Code)  
 Name Dahlman Pump  
 Address PO Box 422  
 City Burlington State WA Zip 98233

TYPE OF SAMPLE (check only one in this column)

ROUTINE  Chlorinated (Residual:      Total      Free)  
 DRINKING WATER  Filtered  
 check treatment →  Untreated or Other     

REPEAT SAMPLE  
 Previous coliform presence      Lab #       
 Date    /    /   

RAW SOURCE WATER Source # S [ ] [ ]  Total Coliform  
 NEW CONSTRUCTION or REPAIRS  Fecal Coliform  
 OTHER (Specify)     

REMARKS OR FAX: 360 757-7353

UDDER HEALTH SYSTEMS, Inc.  
 6401 OLD GUIDE ROAD  
 BELLINGHAM WA 98226  
 360-398-1360 FAX 360-398-7617

(LAB USE ONLY) DRINKING WATER RESULTS

TOTAL COLIFORM      / 100 ml E. COLI      / 100 ml  
 FECAL COLIFORM      / 100 ml PLATE COUNT      / ml

ANOTHER SAMPLE REQUIRED

SAMPLE NOT TESTED BECAUSE: TEST UNSUITABLE BECAUSE:

<input type="checkbox"/> Sample too old	<input type="checkbox"/> Confluent growth
<input type="checkbox"/> Wrong container	<input type="checkbox"/> TNTC
<input type="checkbox"/> Incomplete form	<input type="checkbox"/> Turbid culture
<input type="checkbox"/>	<input type="checkbox"/> Excess debris

<input type="checkbox"/> Unsatisfactory: Coliforms present	<input checked="" type="checkbox"/> Satisfactory
Repeat <input type="checkbox"/> E.coli Present: <input type="checkbox"/> E.coli Absent:	Coliform absent
Samples <input type="checkbox"/> Fecal Present: <input type="checkbox"/> Fecal Absent:	
Required	

RECEIVED: Lab No 5897563 LabDate: 5/15/2003 LabTime 13:57  
 LabAnalyst KO 4 02408 ReportDate 5/16/2003

PHONED  
 FAXED  
 SENT

**WATER BACTERIOLOGICAL ANALYSIS**  
 The Following are Explanations of Possible Results

This water sample was examined for the presence of coliform organisms which indicate the bacteriological quality of the water. The presence of coliform organisms serve as an indicator of the possible presence of other disease causing organisms in the water. The test will detect coliform organisms at a density of 1 organism per 100 ml of water tested. There are three possible results. *From the outcome of the report on the left, choose the result that exactly matches one of the following possible results for the explanation of your test:*

**1. SATISFACTORY**

<input type="checkbox"/> UNSATISFACTORY, Coliforms present	<input checked="" type="checkbox"/> SATISFACTORY
REPEAT <input type="checkbox"/> E. Coli present <input type="checkbox"/> E. Coli absent	Coliforms absent
SAMPLES <input type="checkbox"/> Fecal present <input type="checkbox"/> Fecal absent	
REQUIRED	

**EXAMPLE**

There were no coliform organisms found in this sample. Proper system maintenance and annual bacteriological monitoring should be continued to insure water safety.

**2. COLIFORM PRESENT - WARNING**

<input checked="" type="checkbox"/> UNSATISFACTORY, Coliforms present	<input type="checkbox"/> SATISFACTORY
REPEAT <input type="checkbox"/> E. Coli present <input checked="" type="checkbox"/> E. Coli absent	Coliforms absent
SAMPLES <input type="checkbox"/> Fecal present <input type="checkbox"/> Fecal absent	
REQUIRED	

**EXAMPLE**

Any coliform presence in a water test is unsatisfactory.

**3. ECOLI PRESENT - UNSAFE**

<input checked="" type="checkbox"/> UNSATISFACTORY, Coliforms present	<input type="checkbox"/> SATISFACTORY
REPEAT <input checked="" type="checkbox"/> E. Coli present <input type="checkbox"/> E. Coli absent	Coliforms absent
SAMPLES <input type="checkbox"/> Fecal present <input type="checkbox"/> Fecal absent	
REQUIRED	

**EXAMPLE**

*E. coli Present or Fecal Present* means that the water sample shows contact with dangerous intestinal bacteria. **Do not drink this water.**

The presence of coliforms indicate the system is not properly protected against contamination and may be unsafe for human consumption. Unsatisfactory samples should be investigated and correction procedures taken immediately. A repeat sample should be submitted after correction of the problem.

You should physically exam your well casing for cracks or seal problems that can allow contamination by dirt, insects or surface water. To chlorinate your system, pour chlorine directly into your well casing, circulate chlorinated water up into the house until you smell chlorine at each tap. Let chlorinated water sit at least overnight. Run water until you no longer smell chlorine, before you resample.

Contact your local Health Department, Udder Health Systems Laboratory, or a water systems professional for assistance in determining the source of contamination and corrective procedures.

This test determines the presence or absence of coliform organisms and addresses only the bacteriological quality of this drinking water sample. There are other substances that can cause the water to be unsafe for human consumption. Additional organic and inorganic tests are needed to determine the chemical suitability of the water.

**FOR ADDITIONAL INFORMATION**  
 Contact your local Health Department or  
 Udder Health Systems Laboratory 360-398-1360



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:**



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.

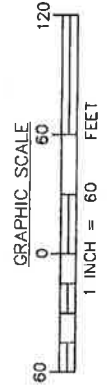
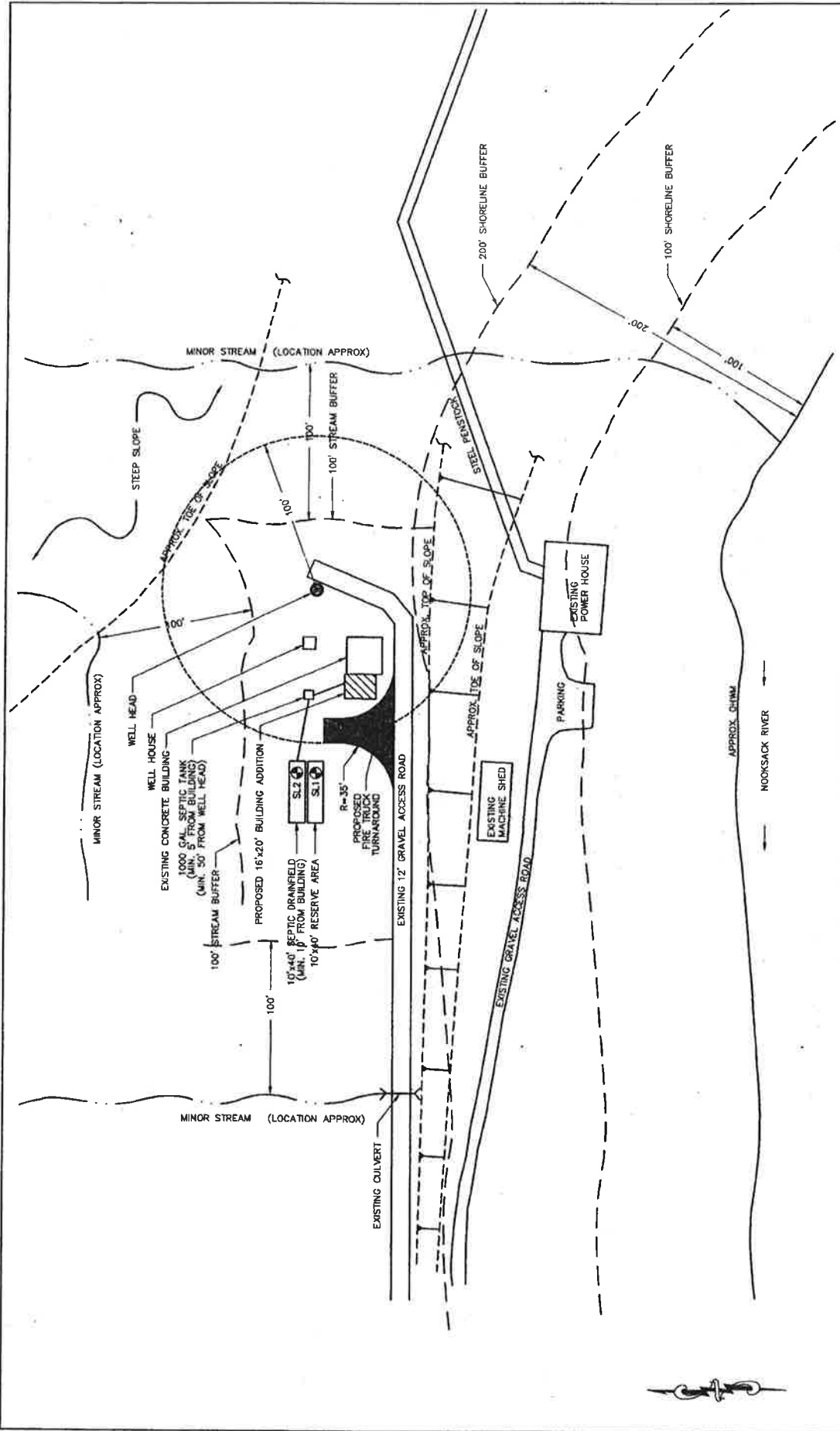
ND (Not Detected): Indicates that the compound was not detected above the Specified Reporting Limit (SRL).

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.

<b>CIVIL GEOGRAPHICAL ENVIRONMENTAL</b> 1350 Sike Road, Suite 6 Kenosha, WA 98248 Ph: (360) 312-1967 Fax: (360) 858-5597	JOB NO.: 203032	TAX PARCEL # 370801510510000
	DESIGNED BY: ERD	DRAWING NO.: 203032-DRAWING SET
CHECKED BY: LSH	DATE: JULY 2003	SCALE: 1"=60'
<b>BEK ENGINEERING &amp; CONSULTING INC.</b>		SITE PLAN ARCH FORD RESIDENCE

**ORIGINAL  
 REDUCED TO SIZE**



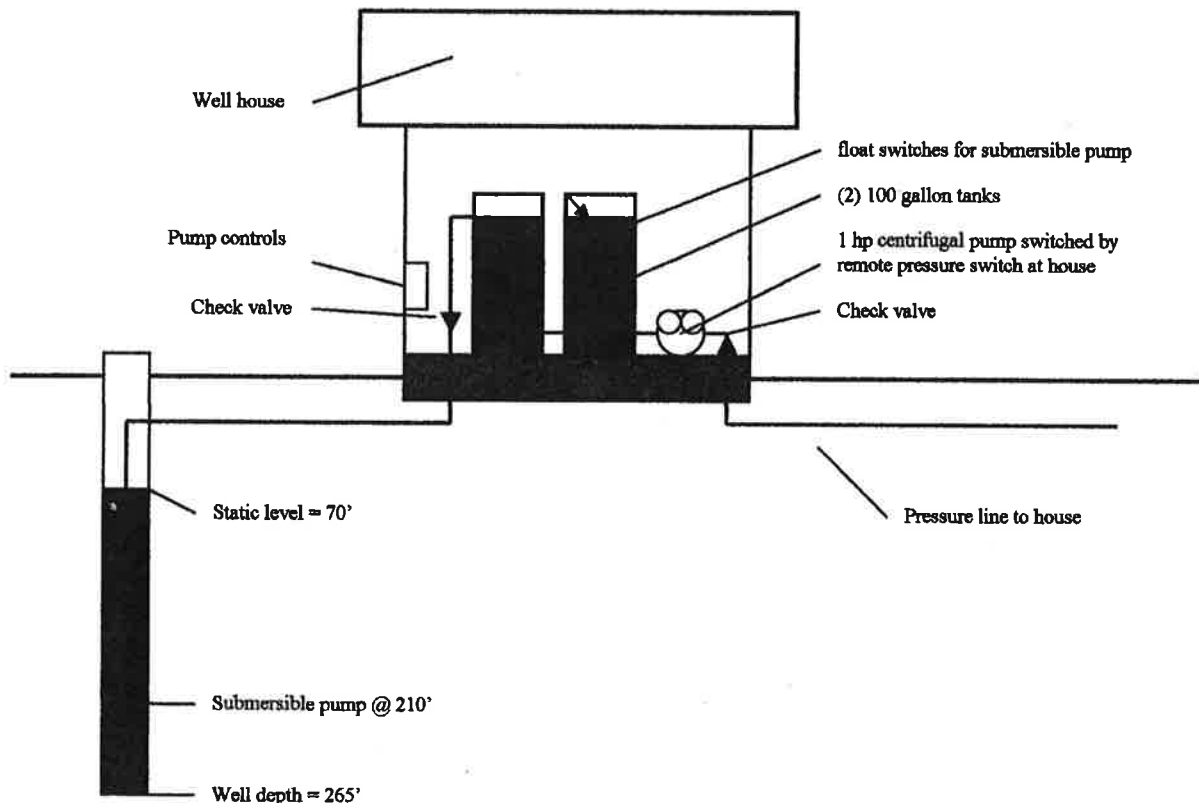
## Water Well Reservoir Schematic for Arch Ford Residence

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

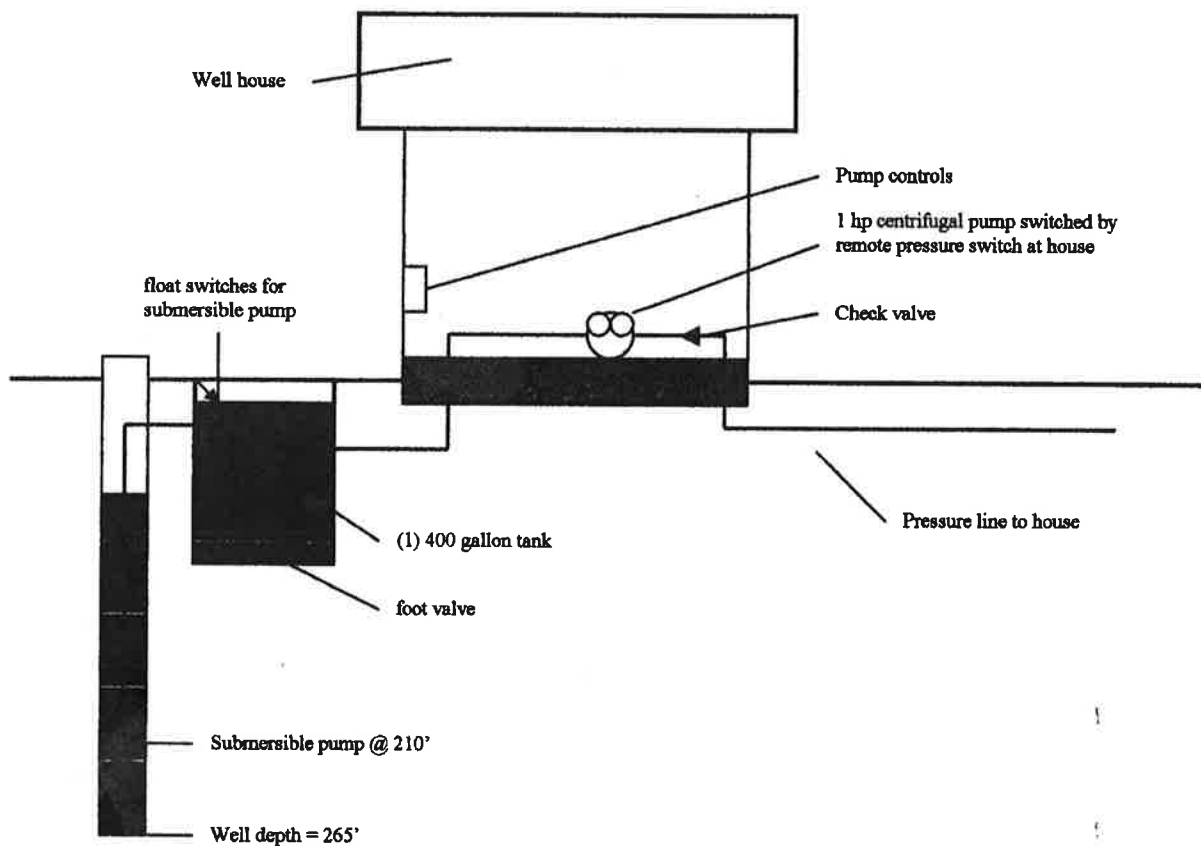
The new well, drilled by Dahlman Pump & Well Drilling in March of 2003, is 265 feet deep, has a static level of 70 feet, and has a submersible pump hung on 210 feet of 1" galvanized pipe. An air test performed by Dahlman shows 3 gpm of production. Usable storage for 210 gallons, based on 140 feet of 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
<b>PLN2020-00004</b>	
Docketing App. Fee #8438	<b>405.00</b>
3% Tech Fee #2843	<b>12.15</b>
<b>Total:</b>	<b>\$ 417.15</b>

---

Check # CREDIT Paid \$ 417.15

JACK BLOSS

Confirm Date: 12/31/2019

Confirm No: 68996979

***Thank you!***

Updated 4.19.17



# Whatcom County

COUNTY COURTHOUSE  
311 Grand Avenue, Ste #105  
Bellingham, WA 98225-4038  
(360) 778-5010

## Agenda Bill Master Report

File Number: AB2020-234

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<b>File ID:</b>	AB2020-234	<b>Version:</b>	1	<b>Status:</b>	Agenda Ready
<b>File Created:</b>	05/27/2020	<b>Entered by:</b>			
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<b>Assigned to:</b>	Council Special Committee of the Whole			<b>Final Action:</b>	
<b>Agenda Date:</b>	06/23/2020	<b>Enactment #:</b>			

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### **TITLE FOR AGENDA ITEM:**

Discussion regarding goals, guidelines, and approach to updating current and future budgets

### **SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:**

Discussion regarding goals, guidelines, and approach to updating current and future budgets

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### **HISTORY OF LEGISLATIVE FILE**

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<b>Date:</b>	<b>Acting Body:</b>	<b>Action:</b>	<b>Sent To:</b>
06/02/2020	Council	DISCUSSED AND A MOTION WAS APPROVED	
06/16/2020	Council Committee of the Whole	DISCUSSED	

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**Attachments:** Budget Goals and Priorities Presentation on 6.2.2020

**Suggested**  
**Budget Process**

The Process

# Objectives

Take a more proactive role in establishing the budget.

Establish a framework which allows the Council to work more effectively together.

Provide clear guidance to County Executive and Department's.

Streamline's process, saving staff time and while allowing initiates to get started sooner.

## **Council Suggestions:**

- Reduce redundancies within County

Examples of

# **Budget Goals**

1. Establish two budgets reflecting a 10% and 20% decrease from 2019 revenue.
2. Achieve county-wide unemployment rate of 5% or less by end of 2022.
3. Achieve a balanced and affordable housing market, with MSI between 5-7 months and vacancy rate between 5-7% by end of 2023.

What are

# Guiding Principles

1. Guidelines that allow for consistent decision making.
2. Principles that will help us to achieve goals.
3. Typically no more than 10.
4. Can be used to support all decision making from budget to project selection.



Examples of

# Guiding Principles

1. Prioritize projects or initiatives working with Whatcom County businesses.
2. Prioritize deferred maintenance projects.
3. Prioritize projects which leverage third party grant funding.
4. Invest in digital infrastructure.
5. Retain expertise within staffing.
6. Ensure transparency in decisions, information, and data.
7. Prioritize environmentally sustainable solutions.

## Council Suggestions:

- Work within our authority.
- Prioritize cost sharing, collaboration with other jurisdictions.
- Look better output for community at a better cost.
- Children and families first.
- Combining requests for bids to leverage bulk purchasing power for goods and services.
- Reduce redundancies within County
- Continuity of county services and staff

Budget Process

# Next Steps

Possible Actions	Date
Invite local economist to give presentation on impacts and opportunities in Whatcom County.	
Invite local business owner(s) to give presentation on impacts to their business(es) and areas of concern or opportunity. <b>Childcare, Team Whatcom, Port, Chamber of Commerce.</b>	6/16 : Carol
Establish scoring system to prioritize projects based on available funds.	
Council members identify and suggest possible budget cuts, reallocations, and new opportunities to support community and economic growth.	
Review potential projects to identify what should be included in 2021-22 budget.	
Reach out and invite tribes to participate in conversation	
Host collaborative multi-council strategy and vision work session.	
Hold a public hearing for the community to participate and provide feedback.	
Request departments heads to complete questionnaire, providing information to understand demand and potential changes.	6/16