

October 28, 2020

Michael Lookman  
C/o Labounty Holdings Inc  
900 Dupont St  
Bellingham, WA 98225-3105

Mr. Lookman,

As requested, we have reviewed our records with respect to the status of wetland delineation reports covering the 11.38 acre property located at 5391 Labounty Drive in Ferndale, Washington. That property was the subject of a lot line adjustment and is now known as *Lot 1 Lookman LLA AF 2016-0201644* and with the tax parcel number of **390228 087089**. The property was covered as part of our July 15, 2015 *Wetland Delineation and Wildlife Assessment for 5345 & 5391 Labounty Drive Parcel #s 390228 009067 & 390228 106122*. We followed that report with an updated study dated June 7, 2019 that reflected the provisions of the updated *Ferndale Critical Areas Ordinance* and feedback from the DOE on the rating of Wetland D (now off-site). Consequently, it is our opinion that the attached *Wetland Delineation and Wildlife Assessment Update: 5345 & 5391 Labounty Drive, Ferndale, WA Parcel #s 390228 009067 & 390228 106122 dated July 15, 2015 and Revised June 7, 2019* is still valid.

It is our understanding that you would like to get an estimate of the location and size of the buildable portions of Lot 1 as it is currently configured. Because potential building footprints can be affected by many factors that may arise during the planning, design and permitting process an absolute answer to that question can only be determined by going through the permit process under a particular proposal. However, the limits imposed by wetland buffers are likely to have the most effect on the configuration of the potential buildable areas. While *Chapter 16.08* allows for buffer modifications to some degree and under certain circumstances, the interpretation of what constitutes a regulated buffer under the *Article X. 16.08.530 Definitions* is critical for this property because of the presence of extensive areas of substantially developed surfaces.

**City of Ferndale Chapter 16.08 Critical Areas Article X. 16.08.530 Definitions defines buffers as:**

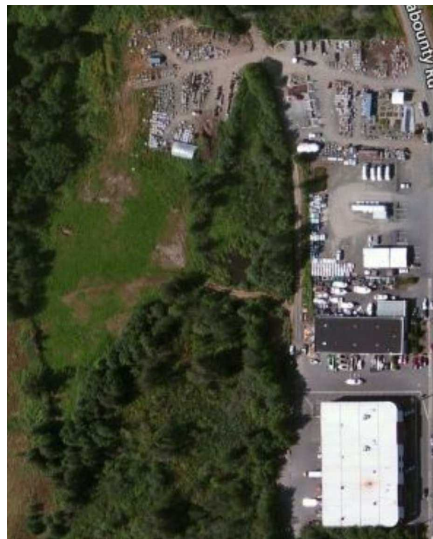
*"Buffer" or "buffer area" means the area adjacent to a critical area that is intended to protect the critical area from impacts to its functions and values, or that helps provide the margin of safety necessary to minimize risk to the public. This includes but is not limited to a naturally vegetated, undisturbed or revegetated zone immediately adjacent to a critical area. The area necessary to meet these objectives may vary significantly from property to property, and within a property itself.*

It is our opinion that the existing graveled roads including the north-south road bisecting the property following a utilities easement and the access to western portion of the property would qualify as non-buffer developed surfaces. The cleared portions of the property have been present for a long time (see *Photograph 1*) and have had ongoing use for industrial storage and staging (see *Photograph 2*). The cleared areas have been maintained and developed portions of the site today closely resemble those seen in the

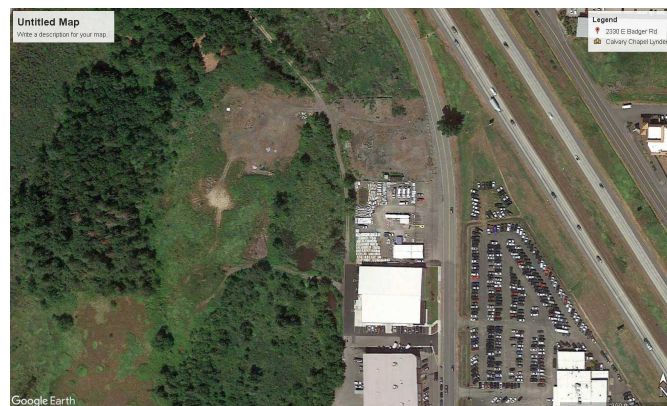
historic photographs (see *Photograph 3*).



*Photograph 1. 1998 photo showing substantially developed surfaces.*



*Photograph 2. Historic photo showing industrial uses and gravel roads.*



*Photograph 3. July 15, 2018 photo showing substantially developed surfaces and gravel roads (seen here as area devoid of green cover).*

We interpret the definition of buffer to apply to naturally vegetated surfaces and consider the existing gravel roads and historic compacted gravel pad areas as substantially developed, impervious surfaces and should be considered as non-buffer areas (see *Photograph 4*). We do not here make the argument that substantially developed surfaces include all cleared areas that have historically been under industrial uses because areas that have a soil substrate and are vegetated may meet the definition of buffer.



*Photograph 4. Photo showing side-view of development pads and gravel road.*

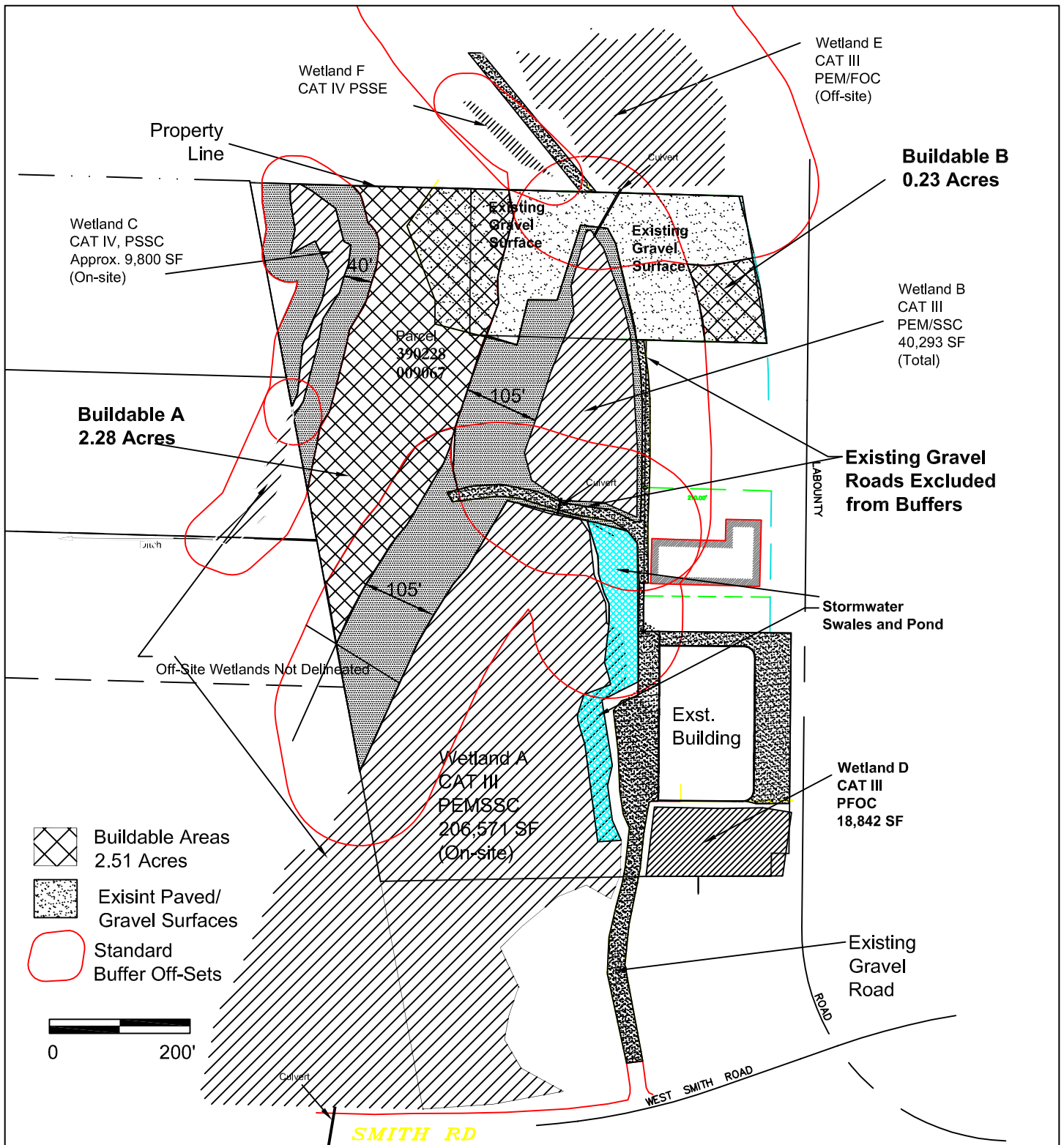
However, the actual buildable area would be determined in the process of obtaining a permit for a specific building proposal and the City of Ferndale may assert a different interpretation of the status of the area we consider to be substantially developed surfaces as opposed to regulated buffer areas. We have produced figures that attempt to quantify what the developable footprint might be under two interpretations: *Figure 1* showing (roughly) the resulting building footprint after imposing the standard buffers without considering the substantially developed surfaces (except for the existing gravel access roads) and *Figure 2* showing (roughly) the resulting building footprint excluding the substantially developed surfaces. Our analysis shows that under the more strict interpretation, buildable area would amount to a total of approximately 2.5 acres divided into two separate areas. Excluding the existing substantially developed surfaces from consideration as buffers would result in a contiguous (albeit oddly shaped) 3.63 acres with a potential for traffic circulation.

It is our opinion that the proper and most reasonable interpretation is shown in Figure 2. That option allows for preservation of the on-site wetlands and their naturally vegetated buffer areas, acknowledges the buffer status of existing cleared areas that have been traditionally used for industrial purposes but have a soil substrate as opposed to a graveled surface and allows for a reasonable ongoing industrial use of the site as intended by current zoning. Should I put this question to Halley Miller?

Sincerely,

A handwritten signature in cursive script that reads "William G. Cantrell".

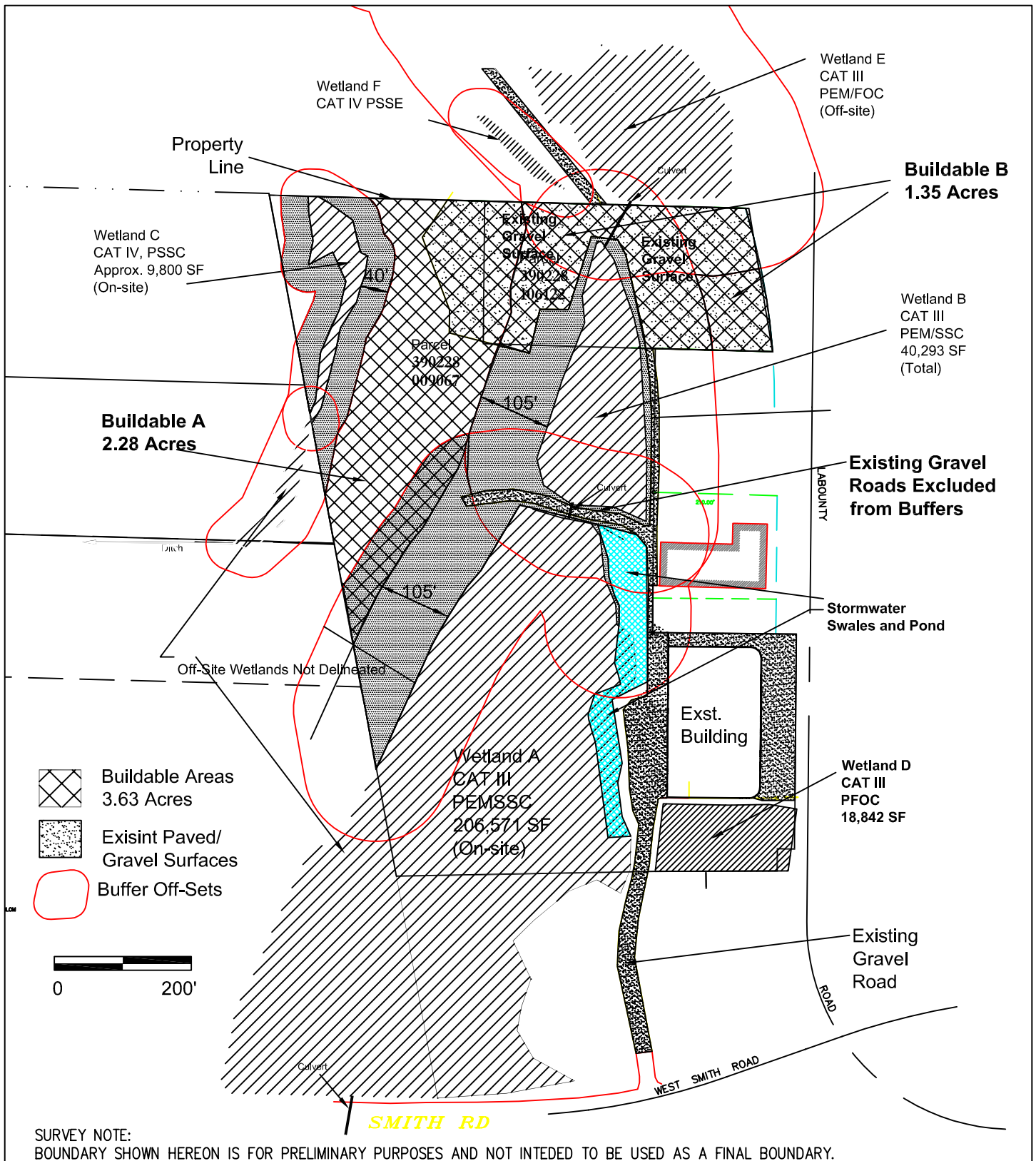
William G. Cantrell, MS  
Senior Consulting Ecologist  
Cantrell & Associates, Inc



**Figure 1. Buildable Map With Developed Surfaces Not Excluded from Buffers**  
**5391 Labounty Drive**  
**Parcels 390228 087084**

October 27, 2020





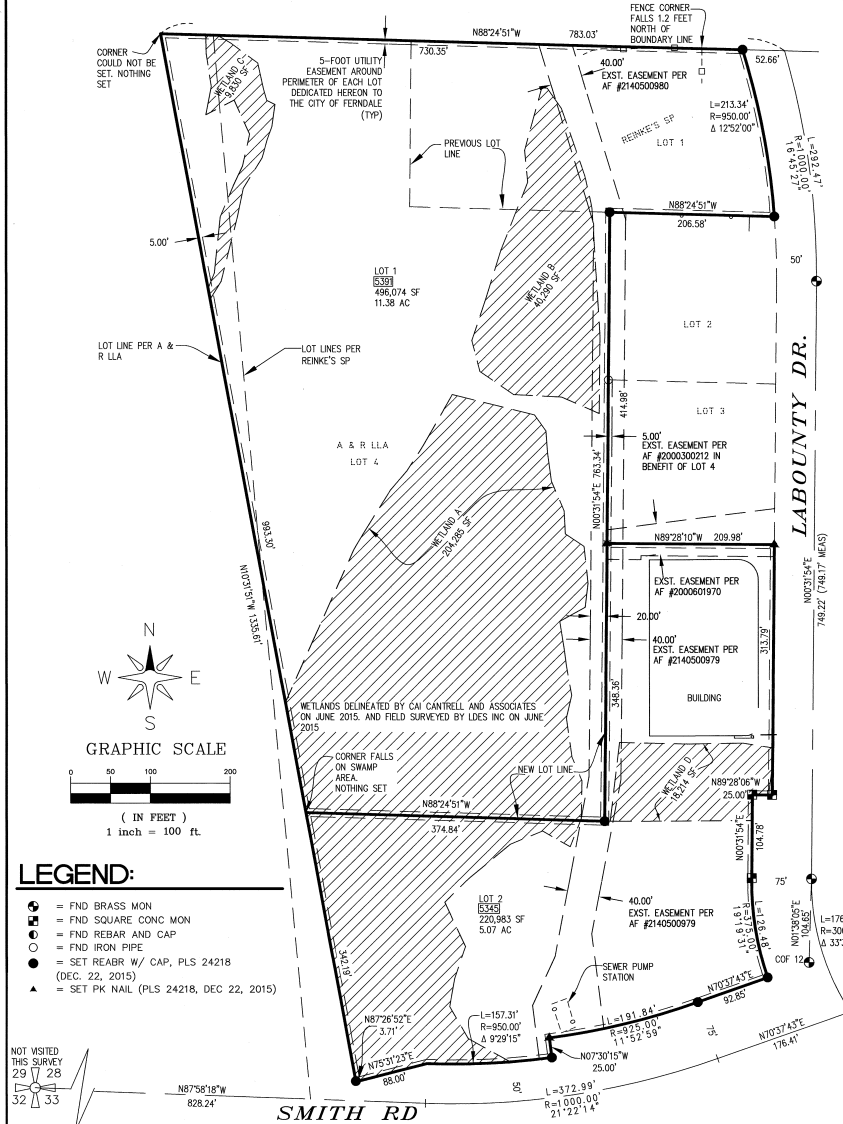
**Figure 2. Buildable Map With Developed Surfaces Excluded from Buffers**  
**5391 Labounty Drive**  
**Parcels 390228 087084**

October 27, 2020

2016-0201644

# LOOKMAN LOT LINE ADJUSTMENT

## A PORTION OF THE SW 1/4 OF THE SW 1/4 OF SECTION 28, T.39N., R.2E. CITY OF FERNDAL, WHATCOM COUNTY, WASHINGTON



## LEGAL DESCRIPTION:

AP No. 390228 090067 0000

(PER WLT ORDER No.: W-127127)

LOT 4 AS DELINEATED ON THE FACE OF A &amp; R LOT LINE ADJUSTMENT ACCORDING TO THE PLAT THEREOF, RECORDED DECEMBER 1, 2000, UNDER WHATCOM COUNTY AUDITOR'S FILE NUMBER 2001200105.

SITUATE IN WHATCOM COUNTY, WASHINGTON

AP No. 390228 106122 0000

(PER WLT ORDER No.: W-127129)

LOT 1, AS DELINEATED ON REINKE'S SHORT PLAT, ACCORDING TO THE PLAT THEREOF, RECORDED NOVEMBER 16, 1976, IN VOLUME 2 OF SHORT PLATS, PAGE 13, UNDER AUDITOR'S FILE No. 1234837, RECORDS OF WHATCOM COUNTY, WASHINGTON.

SITUATE IN WHATCOM COUNTY, WASHINGTON

## DECLARATION

WE, THE UNDERSIGNED OWNERS, HEREBY DECLARE THIS LOT LINE ADJUSTMENT WAS MADE WITH OUR FREE CONSENT AND IN ACCORDANCE WITH OUR WISHES AND ACKNOWLEDGE EASEMENTS GRANTED IN ACCORDANCE WITH OUR WISHES.

*Michael Lookman*  
 AUTHORIZED REPRESENTATIVE  
 5375 CORPORATION, MEMBER



## ACKNOWLEDGMENT

STATE OF WASHINGTON

COUNTY OF WHATCOM

ON THIS 16<sup>th</sup> DAY OF January, 2016, BEFORE ME PERSONALLY APPEARED Chester T. Lackey TO ME KNOWN TO BE AN AUTHORIZED REPRESENTATIVE OF THE CORPORATION THAT EXECUTED THE WITHIN AND FOREGOING INSTRUMENT TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SAID LIMITED PARTNERSHIP FOR THE USES AND PURPOSES THEREIN MENTIONED, AND ON OATH STATED THAT HE/SHE WAS AUTHORIZED TO EXECUTE SAID INSTRUMENT.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN.

*Diana K. Brackin*  
 NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON  
 RESIDING IN Bellingham  
 MY COMMISSION EXPIRES: 4-2-19

CITY OF FERNDAL  
 EXAMINED BY FERNDAL CITY CLERK THIS 27 DAY OF January, 2016

*Shirley E. Duncan*  
 CITY CLERK

EXAMINED AND APPROVED BY FERNDAL SUBDIVISION ADMINISTRATOR THIS 7<sup>th</sup> DAY OF January, 2016

SUBDIVISION ADMINISTRATOR

EXAMINED AND APPROVED BY CITY OF FERNDAL PUBLIC WORKS DIRECTOR THIS 7<sup>th</sup> DAY OF January, 2016

PUBLIC WORKS DIRECTOR

## CITY NOTE:

THE CITY RECOGNIZES WETLANDS, INCLUDING WETLAND SHOWN ON THE LOOKMAN LOT LINE ADJUSTMENT ARE DYNAMIC AND CHANGE OVER TIME. THE CITY MAY USE THIS DELINEATION AS A GUIDE FOR FUTURE EVALUATIONS.

## SURVEY NOTES

- 1) DATA FOR THIS SURVEY WAS GATHERED BY FIELD TRAVERSE UTILIZING ELECTRONIC DATA COLLECTION.
- 2) EQUIPMENT USED: LEICA TOTAL STATION: 003" ± 2 PPM, ± 2 MM
- 3) BASIS OF BEARINGS PER REINKE'S SHORT PLAT AND A & R LOT LINE ADJUSTMENT. MONUMENTED CENTERLINE OF LABOURY DR. BEARING: N00°31'54"E

## AUDITOR'S CERTIFICATE

Filed for record this 17 day of January, 2016 at 10:49 AM

in official records under Auditor's File Number

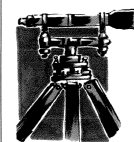
2016-0201644

at the request of Michael Lookman  
Debbie Adelman County Auditor

## SURVEYOR'S CERTIFICATE

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of MICHAEL LOOKMAN in JAN 2016

*Michael Lookman*  
 Certificate No.: 24218



LAND DEVELOPMENT  
 ENGINEERING &  
 SURVEYING INC.  
 5160 INDUSTRIAL PL. #108  
 FERNDAL, WA 98248  
 Ph (360) 383-0620

## LOT LINE ADJUSTMENT

SITUATE IN A PORTION OF THE SW 1/4, SW 1/4 OF SECTION 28, TOWNSHIP 39N, RANGE 2 EAST, W.M. WHATCOM COUNTY, WASHINGTON

DRAWN BY: SR	DATE: 01/06/16	JOB#: 1536
CHECKED BY: KH	SCALE: 1" = 100'	SHEET: 1 OF 1