



Department of Commerce

Innovation is in our nature.

Notice of Intent to Adopt Amendment 60 Days Prior to Adoption

Indicate one (or both, if applicable):

- Comprehensive Plan Amendment**
 Development Regulation Amendment

Pursuant to RCW 36.70A.106, the following jurisdiction provides notice of intent to adopt a proposed comprehensive plan amendment and/or development regulation amendment under the Growth Management Act.

Jurisdiction:	Pend Oreille County
Mailing Address:	P.O. Box 5066 Newport, WA 99156
Date:	04-21-2016

Contact Name:	Mike Lithgow
Title/Position:	Director of Community Development
Phone Number:	509-447-6457
E-mail Address:	Mlithgow@pendoreille.org

Brief Description of the Proposed/Draft Amendment: <i>If this draft amendment is provided to supplement an existing 60-day notice already submitted, then please provide the date the original notice was submitted and the <u>Commerce Material ID number</u> located in your Commerce acknowledgement letter.</i>	<i>Proposed amendments to the Pend Oreille County Comprehensive Plan to Include a Future Land-use Map Amendment, Capital Facilities Plan, Six Year Transportation Improvement Program, and a Site Specific Rezone.</i>
Is this action part of the scheduled review and update? <i>GMA requires review every 8 years under RCW 36.70A.130(4)-(6).</i>	Yes: ___ No: <u> x </u>
Public Hearing Date:	Planning Board/Commission: July 12 th , 2016 Council/County Commission: TBD
Proposed Adoption Date:	TBD

REQUIRED: Attach or include a copy of the proposed amendment text or document(s).
We do not accept a website hyperlink requiring us to retrieve external documents.
Jurisdictions must submit the actual document(s) to Commerce. If you experience difficulty, please contact reviewteam@commerce.wa.gov.

Comprehensive Plan & Future Land Use Map Amendment and SEPA Review Notice is hereby given that Pend Oreille County is scheduling a public hearing with the Planning Commission to amend the Future Land Use Map (Wasatch Assoc. proposing to change the designation of 167 acres from NR-20 to R-5), 6 year Capital Projects and Public Facilities Table 9.7, and the 6 Year Transportation Plan Table 9.1. The comment period ends Monday June. 20th, 2019. The updates, SEPA checklist, and comments will be reviewed by the Planning Commission on May 24th, 2016, & June 14th, 2016 in Cusick, WA. at the Community Center at 6:00 pm. The final recommendation to the Board of County Commissioners will be made in an open record public hearing on July 12th. Written and oral testimony will be considered by the Commission at this meeting. Copies of the proposed revisions are available to the public between 8:00 AM & 4:30 PM at the Pend Oreille County Community Development Department, Courthouse Lower Level, 625 West 4th, Newport, WA 99156, (509) 447-4821.

Date of notice: April 15, 2016

Publish: April 20, 2014

Please Send Invoice to:

Pend Oreille County Community Development Department
Post Office Box 5066, Newport, WA 99156

SEPA ENVIRONMENTAL CHECKLIST

UPDATED 2014

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: [\[help\]](#)

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.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals: [\[help\]](#)

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). 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 [\[help\]](#)

1. Name of proposed project, if applicable: [\[help\]](#)
2016 Pend Oreille County Comprehensive Plan Amendments

2. Name of applicant: [\[help\]](#)
Pend Oreille County, WA.

3. Address and phone number of applicant and contact person: [\[help\]](#)

Mike Lithgow, Director
Pend Oreille County Community Development Department
P.O. Box 5066
Newport, WA 99156
509-447-4821

4. Date checklist prepared: [\[help\]](#)

April 21st., 2016

5. Agency requesting checklist: [\[help\]](#)

Pend Oreille County

6. Proposed timing or schedule (including phasing, if applicable): [\[help\]](#)

These amendments will be heard at the Pend Oreille County Planning Commission Meeting on May 24th & June 14th, & July. 12th, 2016 in Cusick, WA. During these meeting public comment will be heard and a recommendation formulated that will be heard by the Board of County Commissioners on a date to be determined.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. [\[help\]](#)

The Pend Oreille County Comprehensive Plan may be subject to amendments once per year and shall be updated every seven years in accordance with the provisions of the Washington State Growth Management Act. No other plans at this time.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. [\[help\]](#)

In addition to this SEPA Checklist it is anticipated that additional environmental reviews will be prepared for future amendments to the comprehensive plan as well as for proposed amendments to the County's Development Regulations and Shoreline Master Program. Project specific reviews will be prepared for specific development proposals.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. [\[help\]](#)

The Wasatch Future Land Use Map Ammendment is also subject to review and approval by the Pend Oreille County Commissioners.

10. List any government approvals or permits that will be needed for your proposal, if known. [\[help\]](#)

The proposed amendments to the Pend Oreille County Comprehensive Plan are subject to review and approval by the Pend Oreille County Board of Commissioners.

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.) [\[help\]](#)

- Sect. 9.5.2 Revised 6 year Capital Projects and Public Facilities table 9.7
- Sect.9.5.2 Revise 6 year Transportation Improvement Plan Table 9.1

- *Future Land Use Map* Wasatch Associates is proposing to amend the FLUM and zoning map (This proposal has a separate SEPA checklist that has more detail on the proposal to go from an NR-20 to R-5 designation.)

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. [\[help\]](#)

The Pend Oreille County Comprehensive Plan applies to all lands under the County's jurisdiction. The land use designations set forth in the comprehensive plan will be applied to lands throughout the County as set forth in Rural Land Use Policy #1. The Wasatch Proposal is located near Ione in portions of Section 8-9, Twn. Shp. 37, Rng. 43

B. ENVIRONMENTAL ELEMENTS [\[help\]](#)

1. Earth

a. General description of the site [\[help\]](#)

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____ *Pend Oreille County is typical of the rural areas of the Northern Rocky Mountains and Columbia Forest Province. Mountains cloaked in a coniferous forest surround the Pend Oreille River valley. Hay meadows and pastures fill the level land in between the towns.*

b. What is the steepest slope on the site (approximate percent slope)? [\[help\]](#)

N/A

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. [\[help\]](#)

N/A

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. [\[help\]](#)

Facilities will not be sited in areas with unstable soils.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. [\[help\]](#)

N/A

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. [\[help\]](#)

N/A

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

Project specific.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: [\[help\]](#)

Erosion and sediment control BMPs will be utilized on all projects.

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? If any, generally describe and give approximate quantities if known. [\[help\]](#)

N/A

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. [\[help\]](#)

N/A

c. Proposed measures to reduce or control emissions or other impacts to air, if any: [\[help\]](#)

N/A

3. Water

a. Surface Water: [\[help\]](#)

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)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. [\[help\]](#)

The primary water body in Pend Oreille County is the Pend Oreille River and there are two designated Watersheds in the County, WRIA 55 and 62. There are also several lakes and streams throughout the County.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. [\[help\]](#)

N/A

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. [\[help\]](#)

N/A

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. [\[help\]](#)

No

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. [\[help\]](#)

No

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. [\[help\]](#)

No

b. Ground Water:

1) Will groundwater be withdrawn from a well for drinking water or other purposes? 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. [\[help\]](#)

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 such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. [\[help\]](#)

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? If so, describe. [\[help\]](#)

Project specific

2) Could waste materials enter ground or surface waters? If so, generally describe. [\[help\]](#)

N/A

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

N/A

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

One of the Goals of the updated Comprehensive plan is to "Protect groundwater recharge areas and prevent the contamination of vulnerable groundwater resources to ensure water quality and quantity for public and private uses and critical area function". There are also several policies that address the prevention of runoff and erosion from new and existing development.

4. **Plants** [\[help\]](#)

a. Check the types of vegetation found on the site: [\[help\]](#)

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? [\[help\]](#)

Project specific.

c. List threatened and endangered species known to be on or near the site. [\[help\]](#)

Grizzly Bear, Caribou, Bull Trout, American White Pelican, Fisher, Gray Wolf, Lynx, and Northern Leopard Frog have all been documented in Pend Oreille County

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: [\[help\]](#)

N/A

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

Pend Oreille County has many Noxious Weeds and Invasive Species.

5. **Animals**

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include: [\[help\]](#)

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other _____

b. List any threatened and endangered species known to be on or near the site. [\[help\]](#)

Project specific

c. Is the site part of a migration route? If so, explain. [\[help\]](#)

yes, The County is part of the Waterfowl Fly-Way

d. Proposed measures to preserve or enhance wildlife, if any: [\[help\]](#)

Project specific

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

Project specific

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. [\[help\]](#)

Project specific.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. [\[help\]](#)

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: [\[help\]](#)

N/A

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? If so, describe. [\[help\]](#)

N/A

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

N/A

- 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.
Critical Area Policy #7 states that "Pend Oreille County should establish standards so that the use, storage, and disposal of hazardous materials and generation of hazardous wastes do not adversely affect water quality." Also, Critical Area Policy #10 explains that "Pend Oreille County should require developments that are expected to use hazardous materials or generate hazardous wastes to demonstrate that all necessary state and federal approvals have been obtained, or are being actively sought; and comply with the Emergency Planning and Community Right-to-Know Act (42 USC 1101-11050), which provides emergency services personnel with essential information about the kind and quantities of materials they may encounter on the site.

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

N/A

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

N/A

- 5) Proposed measures 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)? [\[help\]](#)

N/A

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. [\[help\]](#)

N/A

3) Proposed measures to reduce or control noise impacts, if any: [\[help\]](#)

Rural Land Use Policies #3 and #8 address noise impacts by directing the County to adopt performance standards that would reduce these impacts on neighboring uses.

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? If so, describe. [\[help\]](#)

The Land Use Map in the Land Use Element of the Comprehensive Plan indicates the general types of land uses throughout the County. In general terms, approximately 65% of the land in the County is publicly owned, another 28% is designated timber and agricultural lands, 2% is urban lands in cities and their designated UGA's, and approximately 5% of the property in the County is privately owned rural lands.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? [\[help\]](#)

Approximately 3% of the land in the County is designated as Agricultural Open space. The Wasatch Property has been used for Cattle Grazing.

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? If so, how:

Project Specific

c. Describe any structures on the site. [\[help\]](#)

N/A

d. Will any structures be demolished? If so, what? [\[help\]](#)

N/A

e. What is the current zoning classification of the site? [\[help\]](#)

Wasatch Assoc. Property is Currently Zoned NR-20

f. What is the current comprehensive plan designation of the site? [\[help\]](#)

Wasatch Assoc. Property is Currently Designated NR-20

g. If applicable, what is the current shoreline master program designation of the site? [\[help\]](#)

Pend Oreille County's Shoreline Master Program designates applicable shorelines throughout the county.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify. [\[help\]](#)

Pend Oreille County has classified applicable areas as "critical areas" in accordance with the provisions of the Washington State Growth Management Act. Land Use Goal #8 of the Pend Oreille County Comprehensive Plan is to "Protect environmentally sensitive areas to reduce cumulative adverse environmental impacts to water availability, water quality, wetlands, aquatic and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas." Critical Area Policies #2, 3, and 4 also address the classification of environmentally sensitive areas.

i. Approximately how many people would reside or work in the completed project? [\[help\]](#)

Project Specific

j. Approximately how many people would the completed project displace? [\[help\]](#)

Project Specific

k. Proposed measures to avoid or reduce displacement impacts, if any: [\[help\]](#)

Project Specific

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [\[help\]](#)

Natural Resource Policy #2 states that "Pend Oreille County shall periodically review and update its resource lands regulations, critical areas ordinance, and Shorelines Master Program to maintain consistency with the provisions of this comprehensive plan and Washington State Law as appropriate." Critical Area Policy #1 states that "Pend Oreille County shall maintain regulations to protect environmentally sensitive areas utilizing Best Available Science."

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

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. [\[help\]](#)

Project Specific

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. [\[help\]](#)

Project Specific

c. Proposed measures to reduce or control housing impacts, if any: [\[help\]](#)

Housing Goal #1 states that Pend Oreille County should "Encourage opportunities for adequate housing for all economic segments of the County." To meet the needs of affordable housing, Housing Policy #5 states that "Pend Oreille County should encourage and assist developers seeking opportunities to build affordable housing."

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? [\[help\]](#)

N/A

b. What views in the immediate vicinity would be altered or obstructed? [\[help\]](#)

N/A

c. Proposed measures to reduce or control aesthetic impacts, if any: [\[help\]](#)

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? [\[help\]](#)

N/A

b. Could light or glare from the finished project be a safety hazard or interfere with views? [\[help\]](#)

N/A

c. What existing off-site sources of light or glare may affect your proposal? [\[help\]](#)

N/A

d. Proposed measures to reduce or control light and glare impacts, if any: [\[help\]](#)

N/A

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity? [\[help\]](#)

N/A

b. Would the proposed project displace any existing recreational uses? If so, describe. [\[help\]](#)

N/A

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: [\[help\]](#)

The Pend Oreille County Comprehensive Parks and Recreation Plan adopted January , 2014, which is adopted by reference in the Pend Oreille County Comprehensive Plan, provides a detailed inventory and planning information on the County park system.

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? If so, specifically describe. [\[help\]](#)

N/A

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. [\[help\]](#)

N/A

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. [\[help\]](#)

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.

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 plans, if any. [\[help\]](#)

The Pend Oreille County transportation system relies heavily on State Routes (SR) 31, 20, 2, and 211, which link the communities and towns together and to outside areas. SR 31 begins at the Canadian border and terminates at Tiger Junction, where it joins SR 20. SR 20 traverses from west to east, turns south at Tiger Junction, and follows the Pend Oreille River to Newport. SR 2 traverses from Spokane to Newport, then it turns east into the state of Idaho. SR 211 connects with State Route 2 from the south, and then traverses north where it connects with SR 20 near the community of Usk.

The Ione Municipal Airport is an important piece of our Transportation System

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? [\[help\]](#)

N/A

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? [\[help\]](#)

N/A

d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). [\[help\]](#)

N/A

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. [\[help\]](#)

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 nonpassenger vehicles). What data or transportation models were used to make these estimates? [\[help\]](#)

See the Transportation Element of the Pend Oreille County Comprehensive Plan for the Average Daily Traffic (ADT) Volumes.

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

N/A

h. Proposed measures to reduce or control transportation impacts, if any: [\[help\]](#)

There are six transportation goals and eighteen policies contained in the draft Comprehensive plan.

15. Public services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. [\[help\]](#)

N/A

b. Proposed measures to reduce or control direct impacts on public services, if any. [\[help\]](#)

While the County is not the provider of these facilities, however, all of the facilities not provided by the County will be impacted by population growth. Early review during the County permitting process may avoid costly provision-of-service problems at a later date. Consequently, the County has been and will continue to communicate and coordinate with the various service providers reviewed in the Capital Facilities and Utilities Elements, as well as other service providers.

16. Utilities

a. Circle utilities currently available at the site: [\[help\]](#)
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other _____

N/A

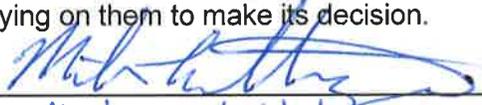
b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. [\[help\]](#)

N/A

C. Signature [\[HELP\]](#)

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: _____



Name of signee _____

Mike Lithgow

Position and Agency/Organization _____

Community Development Director
Pend Oreille County

Date Submitted: _____

4/21/16

D. supplemental sheet for nonproject actions [\[help\]](#)

(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 Comprehensive Plan contains Goals and Policies to guide future growth and development throughout the county as well as to guide the updating of the County's Development regulations. For instance, Critical Area Policy #7 states that "Pend Oreille County should establish standards so that the use, storage, and disposal of hazardous materials and generation of hazardous wastes do not adversely affect water quality." Also, Critical Area Policy #10 explains that "Pend Oreille County should require developments that are expected to use hazardous materials or generate hazardous wastes to demonstrate that all necessary state and federal approvals have been obtained, or are being actively sought; and comply with the Emergency Planning and Community Right-to-Know Act (42 USC 1101-11050), which provides emergency services personnel with essential information about the kind and quantities of materials they may encounter on the site.

Rural Land Use Policies #3 and #8 address noise and air impacts by directing the County to adopt performance standards that would reduce these impacts on neighboring uses.

Land Use Goal #9 aims to "protect groundwater recharge areas and prevent the contamination of vulnerable groundwater resources to ensure water quality and quantity for public and private uses and critical area function". General Land Use Policy #7 addresses the prevention of runoff and erosion from new and existing development.

Proposed measures to avoid or reduce such increases are:

Project specific plans are to be developed when each project when funded.

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

The Comprehensive Plan contains numerous goals and Policies to protect plants, animals, fish, and marine life. For instance, Critical Area Policy #11 states that "The Pend Oreille County Development Code should require that development in or adjoining designated priority habitat area prepare and implement a habitat plan."

Specifically in riparian areas, Critical Area Policy # 22 states that "New development should leave a shoreline corridor in which existing or restored riparian vegetation, or other acceptable means of filtration, provide an effective filter for surface runoff and wildlife habitat, while allowing continued use of the shoreline for water-dependent uses."

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

Project specific plans are to be developed for each project when funded.

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

Electricity to run homes. Roads will require aggregate.

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

The Comprehensive Plan includes nine policies to protect designated natural resource areas.

Project specific plans are to be developed for each project when funded.

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 Comprehensive Plan includes several Goals and twenty eight Policies to protect environmentally sensitive areas, nine policies to protect designated Natural Resource Lands, and several policies to protect parks For instance, . Land Use Goal #8 of the Pend Oreille County Comprehensive Plan is to "Protect environmentally sensitive areas to reduce cumulative adverse environmental impacts to water availability, water quality, wetlands, aquatic and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas." Natural Resource Policy #3 states" The Pend Oreille County development Code should require Project Sponsors to provide buffers between residential development and agricultural and timber lands, and even larger buffers between residential development and mining, industrial, and commercial uses." Parks and Recreation Goal #3 states "Support the establishment of a County-wide river and lake park system."

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

Project specific plans are to be developed for each project when funded.

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 Comprehensive Plan contains numerous policies to protect shorelines including Critical Area policy # 11 that states "Then Pend Oreille County Development Code should require that developments in or adjoining designated priority habitat area prepare and implement a habitat plan." Critical area Policy #12 states "The Pend Oreille County Development Code should require that bank stabilization be accomplished in accordance with federal and state requirements." Other policies call for maintaining effective buffers between all development and wetlands, lakes, and streams, that future development include elements of undisturbed or restored shoreline, and that the type and density of development permitted along the County's lakes and streams be compatible with high water quality.

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

Project specific plans are to be developed for each project when funded.

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

The Plan contains numerous policies to guide future improvements to existing roads or the construction of new roads or the extension of utilities should that be necessary in the future. In addition, Transportation Policy #9 states "Pend Oreille County should promote alternative transportation modes, such as bus, rail, car pooling, and bicycles."

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

Project specific plans are to be developed for each project when funded.

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

The Pend Oreille County Comprehensive Plan was developed in accordance with the provisions of the Washington State Growth Management Act. Regulations developed subsequent to the adoption of the Comprehensive Plan will implement and be consistent with the plan. Natural Resource Policy #2 states that "Pend Oreille County shall periodically review and update its resource lands regulations, critical areas ordinance, and Shorelines Master Program to maintain consistency with the provisions of this comprehensive plan and Washington State Law as appropriate." Critical Area Policy #1 states "Pend Oreille County shall maintain regulations to protect environmentally sensitive areas utilizing Best Available Science."

This list is based on the understanding that operations of Pend Oreille County in providing and maintaining the infrastructure and public facilities promotes and serves economic development.

Pend Oreille County Comprehensive Plan		Table 9.7 2015 Capital Projects and Public Facilities Plan					Recommended Draft:04/19/2016				
Department	Project	Cost	Funding	2016	2017	2018	2019	2020	2021	Future	
#1-Sheriff's Office	Jail Security Fence (Outer Only)	61,000	CP	61,000							
#2-Hall of Justice	Network Wiring and Ceiling Replacement	100,000	CP	100,000							
#3-Buildings & Grounds	Courthouse Elevator Replacement	115,000	CP		115,000						
#4-Buildings & Grounds	227 Garden Building HVAC Replacement	70,000	CP		70,000						
#5-Buildings & Grounds	Siding for the Buildings & Grounds Bldg	18,000	CP	18,000							
Buildings & Grounds	HVAC for Old County Courthouse	150,000	B	150,000							
Sheriff's Office	Jail Security	45,000	CP	45,000							
Sheriff's Office	Reconfiguration of Jail	70,000	CP	70,000							
Prosecutor Office	Hall of Justice Office Configuration	25,000	CP		25,000						
Public Works	Fairgrounds Fire Flow Study	40,000	CP/GR		40,000						
County Gov.	40 x 60 Pole Building for Storage	60,000	CP	60,000							
ITS	Data Center (Location Study)	11,500	CP		11,500						
ITS	Sherriff's Office Wiring Upgrade	30,000	GR		30,000						
ITS	Physical Security Upgrade (County wide)	30,000	GR/CP		20,000						
Counseling Services	Office Space Study	40,000	CP/GR		40,000						
Counseling Services	Phase 4 Security in Counseling	19,269	GR	19,269							
WSU Extension	4-H Building Study	40,000	CP/GR		40,000						
Bond	Martin Hall Principal & Interest	72,195	CP	36,253	15,000	15,000	15,000	15,000	15,000		
Economic Development Pre	Administrative Costs for EDC & TEDD	660,000	PF	110,000	110,000	110,000	110,000	110,000	110,000		
Totals		1,656,964		669,522	516,500	125,000	125,000	125,000	125,000	0	
CP - Capital Project Fund	2017-2021 = 15,000 per year Maintenance of the Martin Hall Facility										
PF - Public facilities Fund											
GR - Grant funded											
B- Bond											

Pend Oreille County

2016-2021

Six Year Transportation Improvement Program Regional and Local Priority Array

Priority Number	Project Title	Project Description	Comments	Total Estimated Cost	Total Programmed Cost	Total Six Year Expenditure
Project Group A. Bridges and Structures						
1	Sullivan Lake Inlet Bridge Replacement	Replace single lane bridge with two lane bridge		\$1,130,000	\$1,080,000	\$1,080,000
2	West Branch LeClerc Creek Bridge Number 2	Replace single lane timber bridge with new two lane bridge		\$250,000	\$250,000	\$250,000
3	Smackout Pass Bridge Replacement	Replace structurally deficient bridge	temporary shoring in place. Submit grant request under both STP-R(Bridge) and FLAP	\$450,000	\$450,000	\$450,000
4	LeClerc Road South - Skookum Creek Culvert Replacement	Replace failing culvert with bridge or bottomless arch	Eligible under STP-R program	\$1,850,000	\$1,850,000	\$1,850,000
5	Bead Lake Road Retaining Wall Stabilization	Replace failing gabion retaining walls on both sides of road		\$2,600,000	\$2,600,000	\$2,600,000
	Project Count:			\$6,280,000	\$6,230,000	\$6,230,000

Pend Oreille County

2016-2021

Six Year Transportation Improvement Program Regional and Local Priority Array

Priority Number	Project Title	Project Description	Comments	Total Estimated Cost	Total Programmed Cost	Total Six Year Expenditure
Project Group B. Preservation and Rehabilitation						
6	Flowerly Trail: Danforth Road to Westside Callispel Road 2R	Restore and rehabilitate pavement structure, cement-treated base, HMA paving, replace guardrail terminal ends	Submit grant request under both STP-R and FLAP programs	\$2,240,000	\$2,240,000	\$2,240,000
7	LeClerc Road North: Milepost 8.06 to Milepost 11.66	Hot mix asphalt overlay		\$860,000	\$860,000	\$860,000
Project Count:		2		\$3,100,000	\$3,100,000	\$3,100,000

Pend Oreille County

2016-2021

Six Year Transportation Improvement Program Regional and Local Priority Array

Priority Number	Project Title	Project Description	Comments	Total Estimated Cost	Total Programmed Cost	Total Six Year Expenditure
Project Group C. Traffic Safety						
8	LeClerc Road South at Sandy Shores Road Intersection Improvement	Widen roadway to construct right and left turn lanes		\$800,000	\$750,000	\$750,000
9	LeClerc Road South : Indian Creek Road to 5th Street/Kings Lake Road	Install guardrail where warranted		\$450,000	\$450,000	\$450,000
10	LeClerc Road North: MP 8 to Sullivan Lake Road Guardrail	Install guardrail where warranted		\$1,230,000	\$1,230,000	\$1,230,000
11	5th Street POVRR Crossing to Triangle Road	widen 5th Street for two-way left turn lane from the POVRR crossing to Triangle Rd and realign Traiangle at 5th Street	Preliminary scope to reduce hazards at mill access and Traiangle intersection	\$400,000	\$400,000	\$400,000
12	Boundary Road: MP 1.00 to Boundary Dam Access Road Guardrail	Install guardrail where warranted		\$1,000,000		\$100,000
Project Count:				\$3,880,000	\$2,830,000	\$2,930,000

Pend Oreille County
2016-2021

Six Year Transportation Improvement Program
Regional and Local Priority Array

Priority Number	Project Title	Project Description	Comments	Total Estimated Cost	Total Programmed Cost	Total Six Year Expenditure
Project Group D. New Construction, Reconstruction and 3R						
13	Fertile Valley Road: Sacheen Lake Outlet Bridge to Highway 211	Widen to 30', provide widened shoulder for pedestrian and bicycle, storm drainage, HMA paving		\$2,319,000	\$2,319,000	\$2,319,000
14	McKenzie Road: Westside Calispel Road to Highway 20	3R project, widen 2 lane road to 28', cement treated base, HMA paving		\$1,950,000	\$1,950,000	\$1,950,000
15	Westside Calispel Road: McKenzie Road to Flowery Trail	Realign, reconstruct, cement-treated base, HMA paving		\$2,250,000	\$2,250,000	\$50,000
Project Count:				\$6,519,000	\$6,519,000	\$4,319,000

Pend Oreille County

2016-2021

Six Year Transportation Improvement Program Regional and Local Priority Array

Priority Number	Project Title	Project Description	Comments	Total Estimated Cost	Total Programmed Cost	Total Six Year Expenditure
Project Group E. Fish Passage						
16	Indian Creek Fish Passage	A partnership project with the Salmon Recovery Board to remove a fish passage on a critical fishery. Remove culvert, construct new bridge, realign LeClerc Road South, restore stream bed.		\$2,250,000	\$2,007,000	\$2,007,000
17	East Fork Smalle Creek Fish Passage	Remove culvert, construct bridge, restore stream bed		\$300,000	\$300,000	\$300,000
Project Count:				\$2,550,000	\$2,307,000	\$2,307,000

Pend Oreille County

2016-2021

Six Year Transportation Improvement Program Regional and Local Priority Array

Priority Number	Project Title	Project Description	Comments	Total Estimated Cost	Total Programmed Cost	Total Six Year Expenditure
Project Group F. Trails and Paths						
18	Fertile Valley Equestrian Trail: Pend Oreille County Park to Rustlers Gulch Recreation Area	Construct an equestrian trail within the Fertile Valley Road right of way linking the Pend Oreille County Park and the Rustlers Gulch Recreation Area.		\$130,000	\$130,000	\$130,000
Project Count:				1	\$130,000	\$130,000
Program Count:				18	\$22,116,000	\$19,016,000

PAYMENT DATE
04/08/2016

COLLECTION STATION
Community Development

Pend Oreille County
PO Box 5080
Newport, WA 99156-5080

BATCH NO.
2016-04000462

RECEIPT NO.
2016-00001292

CASHIER
Mike Lithgow

RECEIVED FROM
Wasatch

DESCRIPTION
Rezone & FLUM Amendment 16-001

PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT																											
Project Planning	Project Planning Paid in Full 001-000-510 34581.00.0122 Comprehensive Plan Amedments \$350.00 001-000-510 34581.00.0122 Comprehensive Plan Amedments \$75.00 637-000-000 23100.00.001000000 Equity in Pooled Cash - CE No \$350.00 637-000-000 23100.00.001000000 Equity in Pooled Cash - CE No \$75.00	\$425.00																											
Payments:	<table border="1"> <thead> <tr> <th>Type</th> <th>Detail</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>Check</td> <td>1261</td> <td>\$425.00</td> </tr> <tr> <td colspan="2">Total Cash</td> <td>\$0.00</td> </tr> <tr> <td colspan="2">Total Check</td> <td>\$425.00</td> </tr> <tr> <td colspan="2">Total Charge</td> <td>\$0.00</td> </tr> <tr> <td colspan="2">Total Other</td> <td>\$0.00</td> </tr> <tr> <td colspan="2">Total Remitted</td> <td>\$425.00</td> </tr> <tr> <td colspan="2">Change</td> <td>\$0.00</td> </tr> <tr> <td colspan="2">Total Received</td> <td>\$425.00</td> </tr> </tbody> </table>	Type	Detail	Amount	Check	1261	\$425.00	Total Cash		\$0.00	Total Check		\$425.00	Total Charge		\$0.00	Total Other		\$0.00	Total Remitted		\$425.00	Change		\$0.00	Total Received		\$425.00	
Type	Detail	Amount																											
Check	1261	\$425.00																											
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Total Remitted		\$425.00																											
Change		\$0.00																											
Total Received		\$425.00																											
Total Amount:		\$425.00																											

Rezone & Future Land Use Map Amendment Application

RECEIVED

APR 01 2016

Owner Contact Information

Property owner(s): WASATCH ASSOCIATES III & IV

Mailing address: 1829 S 100 W

City: OREM UTAH

State: UT

Zip: 84058

Phone number: 801-224-0317

Email address: henricengineering@

Agent/Applicant: Glen D. Cash, Sr. / INTERMOUNTAIN LAND SURVEYORS

PEND OREILLE CO. COMMUNITY DEVELOPMENT

If an agent is acting on behalf of a property owner please fill out and attach the Landowner Consent Form

Property Information

Parcel number of property: Leclerc Road N.

Legal description: PIN GOVT LOTS 1, 4, 5, 6, LESS TAX 3, 4; W 1/2 SE 1/4 LESS W 930' OF S UNSE E OF CO. ROAD, ALL LESS ROAD

Current Property use:

- Residential Commercial Agricultural Timber Other

Please describe if 'Other' is checked: _____

What is the property currently zoned? NR-20

Physical address of the property: LECLERC ROAD N.

City: IONE

State: WA

Zip: _____

Road Access

What road is adjacent to this property? Leclerc Road / REFLECTION DRIVES N/S.

Does an approach already exist?

- YES NO

Critical Areas

If there are any critical areas on this property please describe them. (Shorelines, streams, water bodies, wetlands, flood plains, slopes over 40% grade)

YES: Maitten Creek @ South/Southeast. 100 LINEAR FEET OF SHORELINE ON EAST BANK OF PEND OREILLE RIVER & SOME SCATTERED WETLANDS.

Sewage Disposal

- Connection to existing community system AND SYSTEM EXPANSION On-site system for each lot

Water Supply

Community system Drilled well

* Please check if a water right is secured.

PLS SEE NARRATIVE

Proposed Amendment

Proposed property use:

Residential Commercial Agricultural Timber Other

Please describe if 'Other' is checked: _____

What is the proposed zoning? R-5

AMMENDMENT CRITERIA

Please attach a separate document to answer the following questions.

1. Is the property in question suitable for the uses permitted under the proposed zoning? Is the proposal compatible with the surrounding properties and their land uses?
2. Does this proposal promote the health, safety, and/or general welfare of Pend Oreille County? Consider both broader area wide impacts as well as immediate geographic impacts.
3. Have there been significant changes since the Future Land Use Map was last updated? Consider both broader area wide changes as well as immediate geographic changes.
4. Are the public facilities (water, sewer, access, and other public facilities) adequate for the proposed amendments?
5. Is the proposed amendment consistent with goals and objectives in the Pend Oreille Comprehensive Plan or the regulations of Washington's Growth Management Act (RCW 37.70A)?

The information in this application, or attached to it, has been filled out to the best of my knowledge.

Signature: *Steve D. Cash Sr.*

Date: 3-26-16

Rezone & Future Land Use Map Amendment Application

Please include a site plan drawn to scale. You may use the space below or attach a separate piece of paper. The site plan should include...

- Septic systems & drain fields
- Property lines & dimensions of parcel
- Current and proposed zoning
- Distances between structures and parcel lines
- Location of existing & proposed structures
- North arrow & scale
- Locations of existing & proposed roads/driveways
- Distances between structures & waterbodies
- Location of any surface water

SEE ATTACHED EXHIBIT "B"

The map above has been drawn to the best of my knowledge.

Signature of Applicant: Alan D. Cook Jr.

Date: 3-26-16

Landowner/Agent Consent Form

I (we) the undersigned owner(s) of record of (geographic ID or Property ID) 4337DB500005, located at (physical address) N. LeClerc Road, consent to and authorize (agent name) Glen D. Cash, Sr. to act on my behalf for the purposes of obtaining approval for (development type) REZONE & FUTURE LAND USE AMENDMENT submitted to Pend Oreille County.

I (we), as the landowners of the above described property understand and agree to the following:

- I (we) are the legal owners of the subject property and may act on behalf of any and all interested parties, financial and otherwise
- I (we) are responsible for all activities occurring on the subject property to which an application is made.
- That Pend Oreille County, its officers, and staff shall not be held liable for any activities arising from the actions of the above named agent.

Owner Contact Information

Property Owner(s): WASATCH ASSOCIATES III & IV
Mailing Address: 1829 S. 100 W
City: OREM State: UT Zip: 84058-7489
Phone Number: (801) 224-0317
Email Address: henreengineering@gmail.com

Agent Contact Information

Authorized Agent: Glen D. Cash, Sr.
Mailing Address: 7687 Kelso Lake Road
City: Priest River State: IDAHO Zip: 83856
Phone Number: (208) 255-1767 Office (208) 290-2913 Cell
Email Address: itsplst@gmail.com

APPLICANT SIGNATURE(S)

I certify that the information contained on this application is true, complete, and accurate to the best of my knowledge. I understand that the information will be used by Pend Oreille County for determining whether this proposal meets all development requirements.

R. Jay Henvie

PROPERTY OWNER

R. Cash Sr., manager

DATE: 3-27-16

AGENT/PRIMARY CONTACT

Glen D. Cash Sr.

DATE: 3-26-16



Located at: 625 West 4th Street
Newport, WA 99156
Mail to: PO Box 5066

Phone: 509-447-4821
Fax: 509-447-5890
Visit us online at

Frontier Title & Escrow Company, Inc.

121 N. Washington Ave.

Newport, WA 99156

Phone Number (509) 447-4454

Invoice

DATE	INVOICE #
7/27/2015	6924

BILL TO
Intermountain Land Surveyors Attn: Doug Cash

ITEM	DESCRIPTION	LIABILITY AMO...	AMOUNT
Guarantee	7800 Wasatch Assoc plat certificate		150.00T
	Sales Tax		11.40
Total			\$161.40

PLAT CERTIFICATE

Fee : \$150.00
Sales Tax : \$ 11.40
Total : \$ 161.40
Date: July 25, 2015

Certificate No. : PCW08001366
Order No.: 7800
Subdivision / Unit:
Reference: Wasatch



**OLD REPUBLIC NATIONAL
TITLE INSURANCE COMPANY**
a Corporation, of Minneapolis, Minnesota
here in after referred to as the Company.

TO: **Intermountain Land Surveyors**, here in after referred to as the Addressee.

In the matter of the plat submitted for your approval, the Company has examined the records of the County Auditor and County Clerk of Pend Oreille County, Washington, and the records of the Clerk of the United States Courts holding terms in said County and such examination hereby certifies that the title to the following described land, Situate in said County, to-wit:

Vested in: **Wasatch Associates III, a Utah Partnership and Wasatch Associates IV, a Utah Partnership**

Special Exceptions:

1. Rights of parties in possession and claims that may be asserted under unrecorded instruments, if any.
2. General taxes. The first half becomes delinquent after April 30th. The second half becomes delinquent after October 31st.

Year: 2015

Amount billed:	\$ 5,008.00
Amount paid:	\$ 5,012.37
Amount due:	\$ 75.74, plus interest and penalty, if delinquent
Assessed value of land:	\$ 474,975
Assessed value of improvements:	\$ 129,304
Land Use Code:	91
Tax Account No.:	433708500005

Special Exceptions continued:

3. Right-of-way for County Road, LeClerc Road, recorded under Recording No. 39168, 74657, 175011 and 179702.
4. Easement, including the terms and provisions contained in document:
 - Recorded: June 23, 1953
 - Recording No.: 83377
 - In favor of: Public Utility District No. 1
 - For: A perpetual right of use across a parcel of land in Government Lots 1, 4, 5 and 6, with the right to overflow, flood and submerge or damage by wash, erosion, etc. with waters of Pend Oreille River and it's tributaries, with right to enter, etc., said land and adjacent lands of grantors.
5. Easement, including the terms and provisions contained in document:
 - Recording No.: 22195
 - In favor of: Panhandle Lumber Company, Ltd.
 - For: Purpose of maintaining, operation and using in the Pend Oreille River and its banks (the west boundary of the lands described) piling, booms, fin-booms, and such other agencies as it may determine to be proper for the purpose of holding, directing, running, driving, storing and otherwise handling lags, poles and other timber products.
 - Affects: This and other property
6. Certificate of Water Rights recorded January 14, 1972, under Recording No. 134656. Affects Parcel 2.
7. Easement, including the terms and provisions contained in document:
 - Recorded: October 29, 1975
 - Recording No.: 145950
 - In favor of: Public Utility District No. 1
 - For: Easement and right to enter, erect, operate, maintain, repair, rebuild and patrol an electric distribution and/or transmission line
 - Affects: Parcel 2
8. Agreement and the terms and provisions thereof
 - Between: Donald R. Swank and Patricia A. Swank, husband and wife, and Donald B. McPoland and Lillian McPoland, husband and wife, DBA Swank & McPoland
 - And: Wasatch Associates III/IV
 - Dated: October 18, 1995
 - Recorded: December 20, 1995
 - Recording No.: 231661
 - Purpose: Utility easement
 - Said agreement was assigned to Aspen Reflections Landing Water and Sewer System, Inc by Instrument No. 232315.

- 9. Agreement and the terms and provisions thereof
 - Between: Wasatch Associates
 - And: Swank & McPoland
 - Dated: April 18, 1995
 - Recorded: January 24, 1996
 - Recording No.: 232055
 - Purpose: Ingress and egress, build power, phone and sewer mains, build and maintain sewer disposal system, well and underground reservoir.
- 10. Any question as to the true location of the lateral boundaries of said Pend Oreille River.
- 11. Any question that may arise due to the shifting and changing in the course of Pend Oreille River.
- 12. Right of the general public to the unrestricted use of all the waters of a navigable body of water not only for the primary purpose of navigation, but also for corollary purposes, including (but not limited to) fishing, boating, bathing, swimming, water skiing and other related recreational purposes, as those waters may affect the tidelands, shorelands, or adjoining uplands and whether the level of the water has been raised naturally or artificially to a maintained or fluctuating level, all as further defined by the decisional law of this state.

Legal Description: see attached Exhibit A

Note: The liability of the Company under this Certificate shall be limited to the amount of actual loss sustained by the Addressee because of reliance upon the information set forth herein, but in no event shall such liability exceed the fee paid.

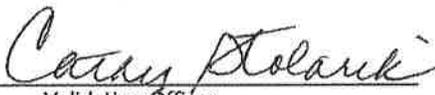
Issued through the offices of:
Frontier Title and Escrow Company, Inc.
121 N. Washington Ave.
Newport, WA 99156

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
A Corporation
400 Second Avenue South, Minneapolis, Minnesota 55401
(612) 371-1111

Countersigned:

By  President

By


Validating Officer

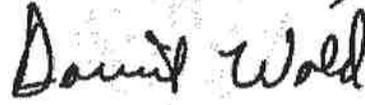
Attest  Secretary

EXHIBIT A Legal Description

Parcel 1: The West Half of the Northwest Quarter of Section 9, Township 37 North, Range 43 E.W.M., Pend Oreille County, Washington.

Parcel 2: Government Lots 1, 4, 5 and 6; the Northeast Quarter and the West Half of the Southeast Quarter, all in Section 8, Township 37 North, Range 43 E.W.M., Pend Oreille County, Washington;

EXCEPT THEREFROM, that portion of said Government Lot 1, described in deed recorded in Book 48 of Deeds page 394, Auditor's file No. 126479, described as follows: A tract of land lying in Government Lot One (1), Section Eight (8), Township Thirty-seven (37) North, Range Forty-three (43) E.W.M., more particularly described as follows: Commencing at Corner No. 1 and TRUE POINT OF BEGINNING, being the intersection of the North line of said Section Eight (8) with the westerly right of way line of LeClerc Creek County Road as existing on April 1, 1968; running thence westerly along the said Section line, to the East bank of the Pend Oreille River and Corner No. 2; running thence southerly along the east bank of the said Pend Oreille river to an intersection with a line that is parallel with and a distance of 200 feet from the North line of said Section Eight (8) and Corner No. 3; running thence East on a line to its intersection with the westerly right of way line of said LeClerc Creek County Road and Corner No. 4; running thence northerly along the said westerly right of way line of the said County Road to Corner No. 1 and TRUE POINT OF BEGINNING;

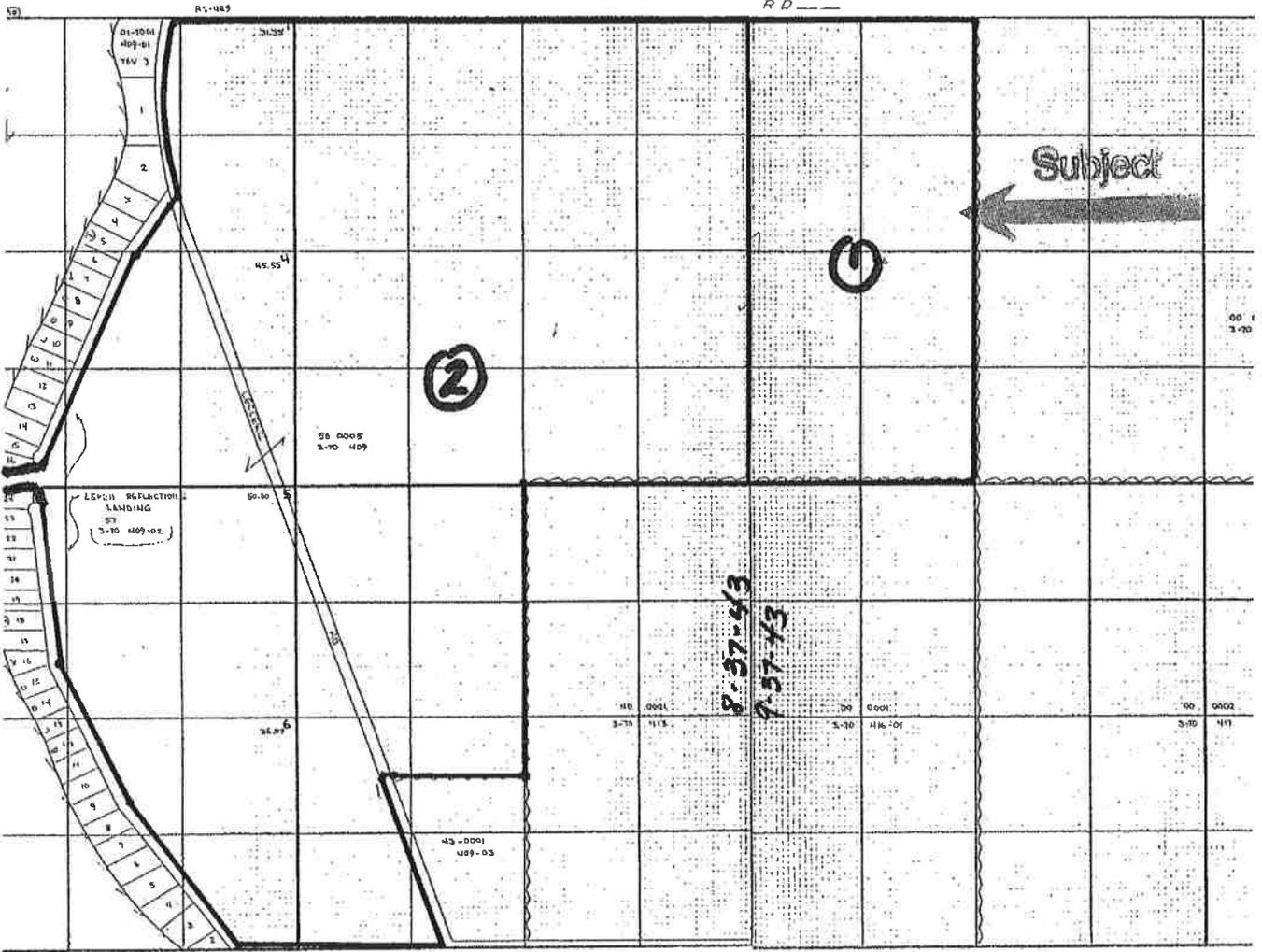
ALSO EXCEPT THEREFROM, that portion as described in deed recorded Feb. 2, 1976, as Auditor's File No. 147011: A parcel of land in Government Lots 1, 4, 5 and 6, of Section 8, Township 37 North, Range 43 East of the Willamette Meridian, Pend Oreille County, State of Washington:

A strip of land approximately 250.00 feet in width from the mean high water line, and along the Westerly Pend Oreille River frontage of said government Lots 1, 4, 5 and 6, more particularly described as beginning at a point that is South 88°39' West, 2920.53 feet from the Southeast corner of aforesaid Section 8; Thence North 53°16' West 524.56 feet to a point; Thence North 36°14' 30" West, 648.00 feet to a point; Thence North 26°11' 30" West, 761.80 feet to a point; Thence North 2°58' West 807.70 feet to a point; Thence North 3°19' West 545.62 feet to a point; Thence North 25°35' East, 1309.73 feet to a point; Thence North 40°09' East 310.99 feet to a point on the Westerly boundary of the LeClerc Road; Thence along the westerly boundary of the LeClerc Road, along the arc of a 1940.00 foot radius curve to the right, a distance of 371.61 feet, through a Delta Angle of 10°58'31"; the long chord of which bears North 13°38' West, a distance of 371.06 feet to a point; Thence North 8°09' West, 425.44 feet to a point; Thence South 88°42' West, 269.56 feet to a point that is South 18°17' East, 216.81 feet from the Meander Corner at the Northwest corner of said Government Lot 1; Thence continuing south 88°42' West 30.00 feet more or less to the mean high water line of the Pend Oreille River; Thence, Southerly along the mean high water line of the Pend Oreille River to the intersection of the mean high water line with the South boundary of said Section 8; Thence North 88°39' East, 360.00 feet more or less along the South boundary of said Section 8, to the point of beginning.

EXCEPT FROM LAST ABOVE EXCEPTION, A 100.00 feet strip across the above described parcel, to-wit: Beginning at a point where the South boundary of Government Lot 4, of said Section 8, intersects the Survey line between points #5 and #6, and which point is North 58°27' West, 4831.61 feet from the Southeast corner of said Section 8; Thence North 3°19' West 100.17 feet to a point; Thence South 88°40' West, along a line that is parallel with and a distance of 100 feet from the South boundary of Government Lot 4, to the mean high water line of the East bank of the Pend Oreille River, thence Southerly, along the mean high water line to a point where the South boundary of Government Lot 4 intersects the mean high water line of the East bank of the Pend Oreille River; Thence North 88°40' East, along the South boundary of Government Lot 4 to the POINT OF BEGINNING;

ALSO EXCEPT a tract of land in Section 8, Township 37 North, Range 43 EWM more fully described as follows: Beginning at the Southeast corner of the Southwest Quarter of the Southeast Quarter of said Section 8; thence, North along the East line of said Southwest Quarter of the Southeast Quarter a distance of 930 feet to a point; thence West, and parallel with the South line of said Southwest Quarter of the Southeast Quarter, to a point on the easterly line of the right-of-way of LeClerc Road; thence, in a southeasterly direction along the easterly line of the right-of-way of LeClerc Road to a point where the easterly right-of-way line of LeClerc Road intersects with the South line of said Southwest Quarter of the Southeast Quarter; thence, East along the South line of said Southwest Quarter of the Southeast Quarter to the point of beginning.

SECTION 8 TOWNSHIP 37 RANGE 43 S.D. _____ SECTION 9 TOWNSHIP _____



AS APPLICABLE
 531.45
 AS APPLICABLE
 FURTHER DETAILS

The sketch is provided without charge for your information. It is not intended to show all matters related to the property including, but not limited to, area, dimensions, easements, encroachments, or location of boundaries. It is not a part of, nor does it modify, the official record or policy to which it is attached. The County assumes NO LIABILITY for any matters related to this sketch. Reference should be made to an accurate survey for further information.

1000 #

1082

8-37-43

83377

WARRANTY EASEMENT

KNOW ALL MEN BY THESE PRESENTS; That ALLAN G. STORONA and IRENE STORONA, husband and wife, of Pend Oreille County, Washington, in consideration of FIVE HUNDRED and 00/100 Dollars (\$500.00) and other valuable consideration, receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto Public Utility District No. 1 of Pend Oreille County, and its assigns, a perpetual right of use and easement upon, under, over and across the following described lands situate in Pend Oreille County, State of Washington, to-wit:

A parcel of land in Government Lots 1, 4, 5 and 6, Section 8, T. 37 N., R. 43 E., S. 4 N. Beginning at the Meander Corner at the Northwest Corner of said Lot 1; thence S. 18° 17' E. 330.5 feet to point E 42; thence S. 40° 00' E. 412.0 feet to point E 43; thence S 23° 34' W. 167.27 feet to point E 44; thence S. 4° 31' E. 167.6 feet to point E 45; thence S. 40° 00' W. 252.64 feet to point E 46; thence S. 27° 25' W. 1360.55 feet to point E 47; thence S. 11 1/2° W. 287.14 feet to point E 48; thence S. 15° 35' E. 347.17 feet to point E 49; thence S. 69° 33' W. 103.19 feet to point E 50; thence S. 12° 35' E. 477.3 feet to point E 51; thence S. 5° 21' E. 291.4 feet to point E 52; thence S. 23° 46' E. 643.3 feet to point E 53; thence S. 76° 34' E. 155.55 feet to point E 54; thence S. 16° 49' W. 148.0 feet to point E 55; thence S. 37° 19' E. 722.8



DEED RECORD 33
PEND OREILLE COUNTY

83577

feet to point E 56; thence S. 71°47' 30" E. 322.65 feet to point E 57; thence S. 12°06' E. 41.75 feet to the South Line of said Lot 6; thence westerly along said South Line to the Meander Line of the Pend Oreille River; thence northerly along said Meander Line to the Point of Beginning, containing approximately 13.49 acres more or less.

Said right of use and easement to be for the following purposes and in accordance with the following terms and conditions.

1. The full perpetual right, power, privilege and easement to intermittently or continuously overflow, flood and submerge, or to damage by wash, erosion, sloughage, seepage, inundation, or other cause, the above-described lands with waters of the Pend Oreille River and its tributaries, all in the construction, operation and maintenance of the Fox Canyon Dam and Hydro-electric Project, its appurtenances, reservoir and overflow dams.

Also the perpetual right, power, privilege and easement, to enter upon said lands to inspect and improve water flow conditions and to remove any natural or artificial obstructions, which in the opinion of representatives of Public Utility District No. 1 of Pend Oreille County, or its assigns, in charge of said Fox Canyon Dam and Hydro-electric Project may be detrimental to the operation and maintenance of the project, including underbrush or debris, as may be necessary from time to time, and to clear, improve and maintain existing water courses, streams and drainage channels, and for the further purpose of exercising any other rights and privileges herein granted.

3. Also the perpetual right, power, privilege and easement to enter upon, without damage thereto, the adjacent lands of Grantor(s) for the purpose of obtaining ingress and egress from the above-described lands.

4. And the above-named Grantor(s) do hereby covenant that the above-described premises are free from all encumbrances except note and mortgage to Federal Land Bank of Spokane, Washington, present balance approx. \$5300.00 and that they, their heirs, executors and administrators shall warrant and defend the above premises against all lawful claims and demands except existing easements for public roads or highways, for public utilities for railroads and pipelines. Provided, however, that the above warranty provision shall not apply to Grantor(s) interests in lands not specifically described above and assigned hereinafter.

5. The Public Utility District No. 1 of Pend Oreille County, and its assigns, by the acceptance of this grant, do agree that there is hereby reserved to Grantor(s), their heirs or assigns, all such rights and privileges in and to the above-described lands as may be used and enjoyed without interfering with or abridging the rights and easements herein granted.

SIGNED this 23rd day of June, 1953:

Witnesses:

Samuel P. Hale

Allan C. Swoboda

Irene Swoboda

Rec. 1194

Pend Oreille County, State of Washington

I hereby certify that the 1% excise tax on this instrument has been paid: \$5.00

Dated this 17th day of November, 1953

Attest Alice B. Aubier, Treasurer; By: Maude Conner, Deputy

STATE OF WASHINGTON

County of Bismillah

On this 23rd day of June, 1953, before me Samuel P. Hale, a Notary Public personally appeared Allan C. Swoboda and Irene Swoboda, his wife known to me to be the person(s) whose name(s) are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the use and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

DEED RECORD, NO. 11
PEND OREILLE COUNTY, WASHINGTON

~~W. R. Maxwell a Notary Public in and for the State of Washington, duly commissioned and sworn personally came Hans Johnson, by O. G. Kroegstad, his Attorney, in fact, of Seattle King County to me known to be the individual described in and who executed the within instrument, and acknowledged to me that he signed and sealed the same as his free and voluntary act and deed for the uses and purposes therein mentioned.~~

~~WITNESS my hand and official seal the day and year in this certificate first above written.~~

~~Notarial Seal of W. R. Maxwell
State of Washington
Com. Exps. June 14, 1926.
Notary Public in and for the State of Washington,
Residing at Seattle, Washington.~~

~~Filed for record at request of Edwards & Bradford Lumber Co. December 17, 1923, at 1:15 o'clock P.M. and recorded December 19, 1923.~~

William Blow,
COUNTY AUDITOR.

-----oO-----
No. 22195
AGREEMENT AND EASEMENT

1 of 2
8-37-43

MEMORANDUM OF AGREEMENT, Made and completed this 30th day of October, 1923, by and between the Panhandle Lumber Company, Ltd., a corporation, party of the first part, and George F. Weck and Elizabeth Weck, his wife, parties of the second part,

WITNESSETH, that for and in consideration of the mutual promises, covenants and conditions as hereinafter contained and expressed, the parties hereto hereby agree with each other, as follows:

In consideration of the sum of the dollar to them in hand paid by first party, second parties do hereby grant, bargain, sell and convey to first party, its successors and assigns forever, an easement covering lots one (1) and four (4) of Section Eight (8), Township 37 North, Range 13 East, T. M., for the purpose of maintaining, operation and using in the Pend Oreille river and its banks (the west boundary of the lands described) piling, booms, gin-booms and such other agencies as it may determine to be proper for the purpose of handling, directing, running, driving, storing and otherwise handling logs, poles and other timber products.

In consideration of the easement aforesaid, first party covenants and agrees with second party that it will not construct booms, drive piling or install other agencies in such manner that second party will be shut from the river channel, and further promises and covenants that it will at all times leave a clear space of at least one hundred feet in its line of piling and booms, that ready access may had through such gap from east river bank to the west river bank. This covenant will run with the land, and it is for the benefit of second parties, their heirs and assigns.

IN WITNESS WHEREOF the parties have hereunto set their hands and seals the day and year first herein above written.

Panhandle Lbr. Co. Ltd. IS
BY W. H. Weaver Mgr.

Geo. F. Weck IS

her
Elizabeth X Weck
mark

Witness to mark
Carl Lillystrom

State of Washington,
County of Pend Oreille, SS.

I, the undersigned, a Notary Public in and for said county and state do hereby certify that on this 31st day of October, 1923, personally appeared before me George F. Weck and Elizabeth Weck his wife, to me known to be the parties who executed the within and foregoing instrument, as parties of the second part, and acknowledged that they signed and sealed the same as their free and voluntary act and deed, for the uses and purposes therein

rec'd 12-20-23

134656

CERTIFICATE OF SURFACE WATER RIGHT

in accordance with the provisions of RCW 90.03.380 and 90.03.390, and the rules and regulations thereunder.

It is so Certified That WILLIAM A. JOHNSON

of Yakima, Washington, has made proof to the satisfaction of the Department of Ecology of a right to the use of the public surface waters of the State of Washington from an unnamed stream (Maitlan Creek) a tributary of Fond Oreille River, with point of diversion within SHAWACUM

Sec. 8, Twp. 37 N., R. 43 E., W.M. for the purpose(s) of irrigation

under and specifically subject to provisions contained in appropriation Permit No. 14806 issued by the Department of Ecology, and that said right to the use of said waters has been perfected in accordance with the laws of Washington, and is hereby confirmed by the Department of Ecology and entered of record in Volume 24, at Page 11734; that the priority of the right hereby confirmed dates from June 8, 1966; that the quantity of water under the right hereby confirmed, for the aforesaid purposes is limited to an amount actually beneficially used and shall not exceed 0.60 cubic feet per second, 130 acre-feet per year, from June 1 to October 1 each year, for irrigation of 60 acres.

A description of the lands to which such surface water right is appurtenant is as follows:

That part of the south 640 feet of the east 1500 feet of Government Lot 5 lying easterly of the Fond Oreille River; AND Government Lot 6; AND W.M. 14806; AND that part of SHAWACUM lying southwesterly of the county road; ALL in Sec. 8, T. 37 N., R. 43 E.W.M.

REQUEST OF Dept of Ecology
Winifred Johnson, Fond Oreille
County Auditor, State of Washington
FILED FOR RECORD Nov. 17, 1972 AT 1:30 P.M.
Official Record Book No. 2 Page 184
Winifred Johnson

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, except as provided in RCW 90.03.380 and 90.03.390. This certificate of surface water right is specifically subject to relinquishment for nonuse of water as provided in RCW 90.14.188.

Given under my hand and the seal of this office at Olympia, Washington, this 13th day of DECEMBER, 19 72.



JOHN A. ECKES, Director
Department of Ecology

by R. Jerry Bolten

134656

2-284

8-17-43

RIGHT-OF-WAY EASEMENT

Indexed
Recorded
Verified

KNOW ALL MEN BY THESE PRESENTS, that David A. Goodwin

145950

whereof is hereby acknowledged, do hereby grant unto Public Utility District No. 1 of Pend Oreille County, Washington, a municipal corporation (hereinafter called the "District"), whose postoffice address is Newport, Washington, and to its successors or assigns, the right to enter upon the lands of the undersigned, situated in the County of Pend Oreille, State of Washington, and more particularly described, to-wit:

Grantor's lands in Section 8, Township 37 North, Range 43 E.W.M., more particularly for a distribution feeder line located adjacent to the county road across said lands; thence tangent to the county road from a point in the SW⁴SE⁴ to a pump site; more particularly as located and staked on said lands, and as per location map attached (Ex. 1)

and to construct, operate and maintain on the above-described lands and/or in or upon all streets, roads or highways abutting said lands, an electric transmission or distribution line or system, and to cut and trim trees and shrubbery that may interfere with or threaten to endanger the operation and maintenance of said line or system.

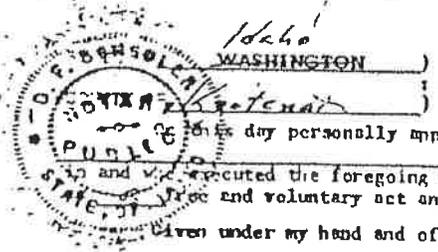
The undersigned agree that all poles, wires and other facilities, including any main service entrance equipment, installed on the above-described lands at the District's expense, shall remain the property of the District, removable at the option of the District, upon termination of service to or on said lands.

The undersigned covenant that they are the owners of the above-described lands and that the said lands are free and clear of encumbrances and liens of whatsoever character except those held by the following persons:

Henry Aman - CONTRACTOR OF SOLE

IN WITNESS WHEREOF, the undersigned have set their hands and seals this 4 day of June, 1971

David A. Goodwin



On this 4 day personally appeared before me David A. Goodwin, to me known to be the individual described in and who executed the foregoing instrument and acknowledged that he signed the same free and voluntary act and deed for the uses and purposes therein mentioned.

David A. Goodwin

STATE OF _____)
COUNTY OF _____)

(CORPORATE ACKNOWLEDGMENT)

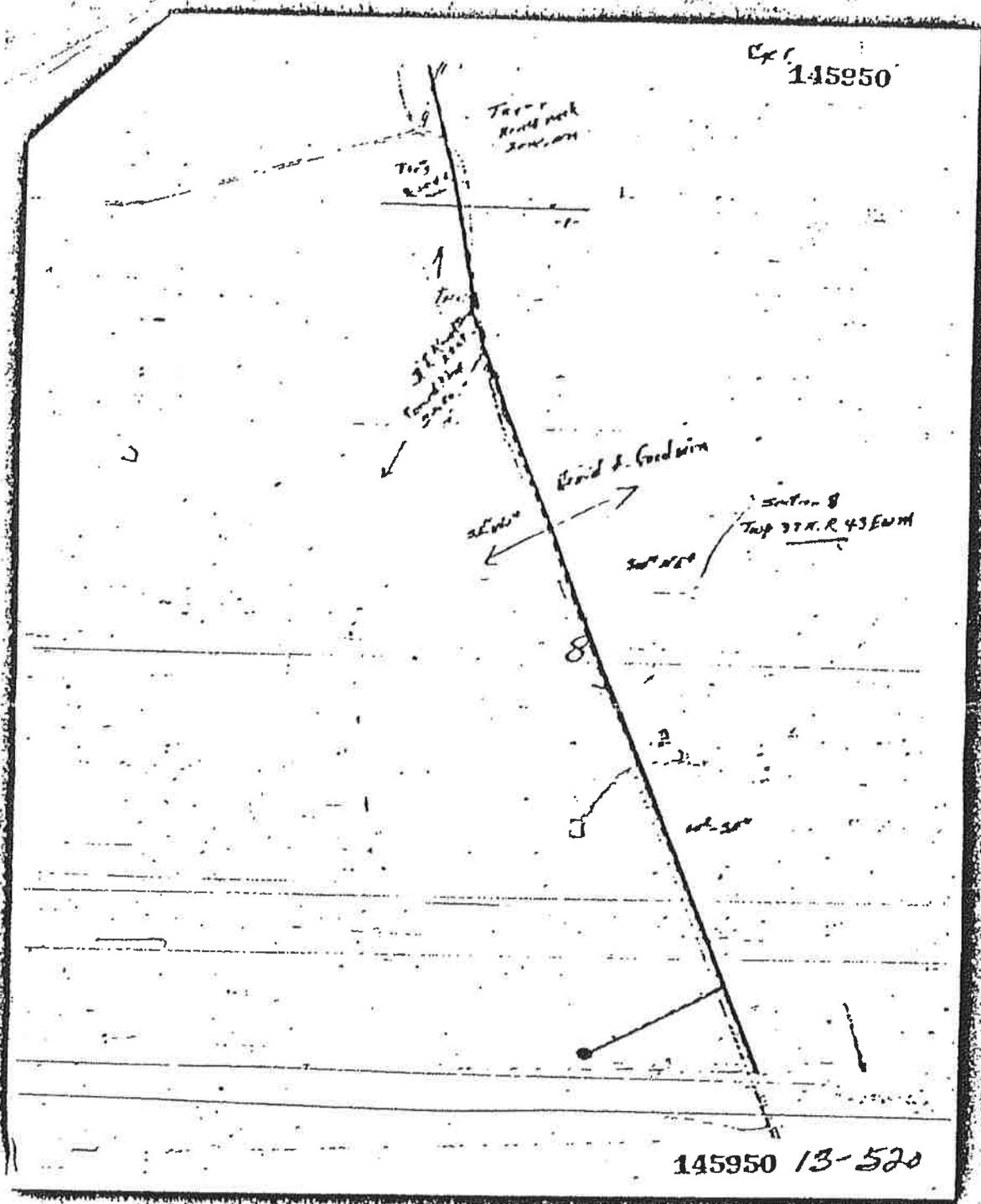
On this _____ day of _____, 19____, before me, a Notary Public in and for the above-named County and State, personally appeared _____ and _____, to me known to be the President and Secretary, respectively, of the corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and each on oath stated that he was authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

FILED FOR RECORD Oct 29 1975 AT 3:18 P.M. OFFICIAL RECORD
BOOK NO. 13 PAGE 519
520
WILFRED JOHNSON, PEND OREILLE COUNTY AUDITOR
BY Margaret Black DEPUTY
145950-13-519

005511#

Exp. 145950



231661

'95 DEC 20 AM 9 37

WHEN RECORDED RETURN TO:
Lukins & Annis, P.S.
717 W. Sprague Ave., Suite 1600
Spokane, Washington 99204
ATTN: CHRISTINE M. GREGORAK

VOL. 122 PAGE 145-144
REG. NO. 21017 DATE FILED 12/16/95
BY [Signature] DEPUTY

UTILITY EASEMENT AGREEMENT

This UTILITY EASEMENT AGREEMENT is entered into on this 18th day of October, 1995 by and between DONALD R. SWANK and PATRICIA A. SWANK, husband and wife, and DONALD B. MCPOLAND and LILLIAN MCPOLAND, husband and wife, d/b/a SWANK & MCPOLAND, an Idaho general partnership (collectively referred to herein as "Swank & McPoland") and WASATCH ASSOCIATES III/IV ("Wasatch").

RECITALS

A. WHEREAS, Swank & McPoland own real property located in Pend Oreille County, Washington known as Aspen Reflections Landing and legally described on attached Exhibit "A" ("Aspen Property"); and

B. WHEREAS, Wasatch owns real property located in Pend Oreille County, Washington legally described on attached Exhibit "B" ("Wasatch Property"); and

C. WHEREAS, Swank & McPoland desire to construct and install sewer drainfields and sewer transmission lines, and a water well and water transmission lines ("collectively referred to as "utilities") upon the Wasatch Property to serve the Aspen Property; and

D. WHEREAS, Wasatch desires to grant easements to Swank & McPoland for the construction and maintenance of said utilities under the terms and conditions of this Agreement;

NOW THEREFORE, in consideration of the above and the covenants and conditions contained herein, the parties agree as follows:

TERMS

1. Grant of Sewer Easement. Wasatch hereby grants and conveys to Swank & McPoland a perpetual nonexclusive easement over, under, across, through and upon that portion of the Wasatch Property legally described on attached Exhibit "C" ("Sewer Easement Area") for the purpose of construction, operation, maintenance, repair, alteration, reconstruction, and protection of a sewer drainfield and sewer transmission lines, and all appurtenances necessary or convenient thereto, whether above or underground, and for ingress to and egress from the Sewer Easement Area as may be necessary for the purposes referred to above.

2. Grant of Water Easement. Wasatch hereby grants and conveys to Swank & McPoland a perpetual nonexclusive easement over, under, across, through and upon that

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portion of the Wasatch Property legally described on attached Exhibit "C" ("Water Easement Area") for the purpose of construction, operation, maintenance, repair, alteration, reconstruction, and protection of water wells, water transmission lines, any structures necessary for the operation of the water wells, including but not limited to water pumps and pump houses, and all appurtenances necessary or convenient thereto, including a protective area located in a one hundred foot (100 ft.) radius around and surrounding the water wells ("Protective Area"), whether above or underground, and for ingress to and egress from the Water Easement Area as may be necessary for the purposes referred to above.

3. Water Well Protective Area. The parties understand and acknowledge that a one hundred foot (100 ft.) radius Protective Area around and surrounding the water wells is required to protect the sanity, quality and purity of the water wells. The parties further understand and agree that the deposit or storage of any and all waste and/or pollutants, hazardous or otherwise, on, upon or under the Protective Areas as described on attached Exhibit "C" is strictly prohibited. Nothing in this paragraph shall prohibit the construction of any structures necessary to facilitate the operation of the water wells upon the Water Well Protective Areas, including but not limited to water pumps and pump houses.

4. Grant of Utility Easement. Wasatch hereby grants and conveys to Swank & McPoland a perpetual nonexclusive easement over, under, across, through and upon that portion of the Wasatch Property legally described on attached Exhibit "C" ("Utility Easement Area") for the purpose of construction, operation, maintenance, repair, alteration, reconstruction, and protection of any and all necessary utilities, and all appurtenances necessary or convenient thereto, whether above or underground, and for ingress to and egress from the Utility Easement Area as may be necessary for the purposes referred to above.

5. Restoration. If any of the activities of Swank & McPoland within the Sewer Easement Area or Water Easement Area disturb the surface of the property, Swank & McPoland shall remove all debris resulting from such activity and restore the property to its original grade.

6. Nonexclusivity. Swank & McPoland's rights under this Utility Easement Agreement are nonexclusive and Wasatch may use the Easement Areas for any purpose not inconsistent with Swank & McPoland's rights hereunder. Wasatch shall not construct any permanent or temporary structures, fences, or other improvements that would hinder or interfere with the utilities or other appurtenances thereto or with access to any of them.

7. Successors and Assigns. The burden of the Easements granted herein shall run with the Wasatch Property and shall be binding upon all parties having or acquiring any right, title or interest in such property, or any part thereof which includes a portion of any Easement Areas. The benefit of the Easements shall run with the Aspen Property and be freely assignable by Swank & McPoland.

8. Indemnification. The parties hereto agree to defend, indemnify and save harmless the other and their successors from and against all claims, demands, actions, causes of action, loss, costs and expenses, including reasonable attorney's fees, for injury to persons and/or loss of or damage to property caused by or in any way arising out of the use of these

231661

Easements and claims made against the other for actions for which the other has no culpability or responsibility.

9. Governing Law. This Utility Easement Agreement is made pursuant to the laws of the State of Washington, and shall be construed in accordance therewith.

10. Costs and Attorneys Fees. In the event of any breach, default, or violation by any party of the terms of this Utility Easement Agreement or any dispute involving interpretation of this Agreement, the nonprevailing party shall be responsible for and shall pay any and all reasonable attorneys fees and costs, or expenses incurred by the other party by reason of such breach, default, or violation or dispute, whether or not a legal action is filed, including those, if any, on appeal.

DATED this 11th day of October, 1995.

SWANK AND MCPOLAND

Donald R. Swank
DONALD R. SWANK

Patricia A. Swank
PATRICIA A. SWANK

Donald B. McPoland
DONALD B. MCPOLAND

Lillian McPoland
LILLIAN MCPOLAND

WASATCH ASSOCIATES III/IV

By: [Signature]
Its: Managing General Partner

STATE OF Washington)
County of Spokane) ss.

On this 11th day of October, 1995, personally appeared before me DONALD R. SWANK and PATRICIA A. SWANK, husband and wife, to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

231661

Exhibit "A"

Parcel 1. A parcel of land in Government Lots 1, 4, 5, and 6, of Section 8, Township 37 North, Range 43 East of the Willamette Meridian, Pend Oreille County, Washington.

A strip of land approximately 250.00 feet in width from the mean high water line, and along the Westerly Pend Oreille River frontage of said Government Lots 1, 4, 5, and 6, more particularly described as beginning at a point that is South 88°39'00" West, 2920.53 feet from the Southeast corner of aforesaid Section 8; thence North 53°16'00" West, 524.56 feet to a point; thence North 36°14'30" West, 648.00 feet to a point; thence North 26°11'30" West, 781.80 feet to a point; thence North 2°58'00" West, 807.70 feet to a point; thence North 3°19'00" West, 545.82 feet to a point; thence North 25°35'00" East, 1309.73 feet to a point; thence North 40°09'00" East, 310.99 feet to a point on the Westerly boundary of the LeClerc Road; thence along the Westerly boundary of the LeClerc Road, along the arc of a 1940.00 foot radius curve to the right, a distance of 371.61 feet, through a Delta Angle of 10°58'31"; the long chord of which bears North 13°38'00" West, a distance of 371.08 feet to a point; thence North 8°09'00" West, 425.44 feet to a point; thence South 88°42'00" West, 269.56 feet to a point that is South 18°17'00" East, 216.81 feet from the Meander Corner at the Northwest corner of said Government Lot 1; thence continuing South 88°42'00" West, 30.00 feet, more or less, to the mean high water line of the Pend Oreille River; thence Southerly along the mean high water line of the Pend Oreille River to the intersection of the mean high water line with the South boundary of said Section 8; thence North 88°39'00" East, 360.00 feet, more or less along the South boundary of said Section 8, to the point of beginning;

Except a 100.00 foot strip across the above described parcel, to-wit:

Beginning at a point where the South boundary of Government Lot 4, said Section 8, intersects the Survey line between points #5 and #6, and which point is North 58°27'00" West, 4831.61 feet from the Southeast corner of said Section 8; thence North 3°19'00" West, 100.17 feet to a point; thence South 88°40'00" West, along a line that is parallel with and a distance of 100 feet from the South boundary of Government Lot 4, to the mean high water line of the East bank of the Pend Oreille River; thence, Southerly along the mean high water line to a point where the South boundary of Government Lot 4 intersects the mean high water line of the East bank of the Pend Oreille River; thence North 88°40'00" East, along the South boundary of Government Lot 4 to the point of beginning.

Parcel 2. That part of the North 200.00 feet of Government Lot 1 lying Westerly of LeClerc County Road, of Section 17, Township 37 North, Range 43 East of the Willamette Meridian, Pend Oreille County, Washington.

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231661

Exhibit "B"

Parcel 1. West 1/2 of the Northwest 1/4 of Section 9, Township 37 North, Range 43 East, W. M., Pend Oreille County, Washington.

Parcel 2. Government Lots 1, 4, 5, and 6; Northeast 1/4 and the West 1/2 of the Southeast 1/4, all in Section 8, Township 37 North, Range 43 East, W. M., Pend Oreille County, Washington.

Except therefrom, that portion of said Government Lot 1, described in deed recorded in Book 48 of Deeds page 394, Auditor's file No. 128479, described as follows:

Commencing at Corner No. 1 and True Point of Beginning, being the intersection of the North line of said Section Eight (8) with the Westerly right-of-way line of LeClerc Creek County Road as existing on April 1, 1968; running thence Westerly along the said Section line to the East bank of the Pend Oreille River and Corner No. 2; running thence Southerly along the East bank of the said Pend Oreille River to an intersection with a line that is parallel with and a distance of 200 feet from the North line of said Section Eight (8) and Corner No. 3; running thence East on a line to its intersection with the Westerly right-of-way line of said LeClerc Creek Road and Corner No. 4; running thence Northerly along the said Westerly right-of-way line of the said County Road to Corner No. 1 and true point of beginning.

Also except therefrom that portion as described in deed recorded Feb. 2, 1976, as Auditor's file No. 147011, described as follows:

A parcel of land in Government Lots 1, 4, 5, and 6, of Section 8, Township 37 North, Range 43 East of the Willamette Meridian, Pend Oreille County, Washington.

A strip of land approximately 250.00 feet in width from the mean high water line, and along the Westerly Pend Oreille River frontage of said Government Lots 1, 4, 5, and 6, more particularly described as beginning at a point that is South 88°39'00" West, 2920.53 feet from the Southeast corner of aforesaid Section 8; thence North 53°16'00" West, 524.56 feet to a point; thence North 36°14'30" West, 648.00 feet to a point; thence North 26°11'30" West, 761.80 feet to a point; thence North 2°58'00" West, 807.70 feet to a point; thence North 3°19'00" West, 545.62 feet to a point; thence North 25°35'00" East, 1309.73 feet to a point; thence North 40°09'00" East, 310.99 feet to a point on the Westerly boundary of the LeClerc Road; thence along the Westerly boundary of the LeClerc Road, along the arc of a 1940.00 foot radius curve to the right, a distance of 371.61 feet, through a Delta Angle of 10°58'31"; the long chord of which bears North 13°38'00" West, a distance of 371.06 feet to a point; thence North 8°09'00" West, 425.44 feet to a point; thence South 88°42'00" West, 269.56 feet to a point that is South 18°17'00" East, 216.81 feet from the Meander Corner at the Northwest corner of said Government Lot 1; thence continuing South 88°42'00" West, 30.00 feet, more or less, to the mean high water line of the Pend Oreille River; thence Southerly along the mean high water line of the Pend Oreille River to the intersection of the mean high water line with the South boundary of said Section 8; thence North 88°39'00" East, 360.00 feet, more or less along the South boundary of said Section 8, to the point of beginning;

Except a 100.00 foot strip across the above described parcel, to-wit;

231661

122-1911

231661

Exhibit "B" (Continued)

Beginning at a point where the South boundary of Government Lot 4, said Section 8, intersects the Survey line between points #5 and #6, and which point is North 58°27'00" West, 4831.61 feet from the Southeast corner of said Section 8; thence North 3°19'00" West, 100.17 feet to a point; thence South 88°40'00" West, along a line that is parallel with and a distance of 100 feet from the South boundary of Government Lot 4, to the mean high water line of the East bank of the Pend Oreille River; thence, Southerly along the mean high water line to a point where the South boundary of Government Lot 4 intersects the mean high water line of the East bank of the Pend Oreille River; thence North 88°40'00" East, along the South boundary of Government Lot 4 to the point of beginning.

Also except therefrom that portion as described in deed recorded Dec. 30, 1991, as Auditor's file No. 210487, described as follows:

Beginning at the Southeast corner of the SW¼SE¼ of said Section 8; thence, North along the East line of said SW¼SE¼ a distance of 930 feet to a point; thence, West, and parallel with the South line of said SW¼SE¼, to a point on the Easterly line of the right-of-way of LeClerc Road; thence, in a Southeasterly direction along the Easterly line of the right-of-way of LeClerc Road to a point where the Easterly right-of-way line of LeClerc Road intersects with the South line of said SW¼SE¼; thence, East along the South line of said SW¼SE¼ to the point of beginning.

231661

122-1412

231661

Exhibit "C"

An utility easement located in Section eighth (8), Township 37 North, Range 43 East, W. M. In Pend Oreille County, State of Washington, with both the North 1/4 corner and the Northwest section corner of said Section 8 being shown on the recorded survey by Randy R. Holsington, RLS No. 24220 with Auditor's No. 229152 and with the North 1/4 corner of said Section 8 bearing North 88°48'35" East from the Northwest section corner of said Section 8; the utility easement is more particularly described as follows.

Sewer Easement Area: From a 3/4" rebar w/Aluminum cap, RLS No. 24220 (as shown on the recorded survey with Auditor's No. 219002) on the West right-of-way of LeClerc Road which bears South 65°23'19" East, 2269.41 feet from the Northwest section corner of said Section 8 and South 30°22'08" West, 1158.33 feet from the North 1/4 corner of said Section 8; thence South 40°11'17" West, 310.59 feet to a point; thence South 25°25'27" West, 399.80 feet to the point of beginning; thence South 64°34'33" East, 62.18 feet; thence South 21°58'03" East, 405.14 feet; thence North 81°52'36" East, 38.03 feet; thence North 8°07'24" West, 85.40 feet; thence North 81°52'36" East, 290.00 feet; thence South 8°07'24" East, 430.00 feet; thence South 81°52'36" West, 290.00 feet; thence North 8°07'24" West, 314.50 feet; thence South 81°52'36" West, 35.54 feet; thence North 8°07'24" West, 10.00 feet; thence South 81°52'36" West, 18.16 feet; thence North 21°58'03" West, 413.00 feet; thence North 64°34'33" West, 54.36 feet; thence North 25°25'27" East, 20.00 feet to the point of beginning.

And a 20.00 foot wide easement having the East right-of-way of LeClerc Road as its Westerly boundary and extending from the intersection of the North section line of said Section 8 and the East right-of-way of LeClerc Road in a Southerly direction a distance of 880.00 feet; thence continuing on with a 25.00 foot wide easement having the East right-of-way of LeClerc Road as its Westerly boundary in a Southerly direction for another 102.00 feet.

And the East 60.00 feet of the 100 foot strip shown on the un-recorded survey by Milton Booth, RLS No. 10657, which was the basis for warranty deed Auditor's No. 171657. The beginning point for the 100.00 foot strip is the point where the South boundary of Government Lot 4, said Section 8, intersects the Survey line between points #5 and #6, and which point is North 58°27'00" West, 4831.61 feet from the Southeast corner of said Section 8; thence North 3°19'00" West, 100.17 feet to a point; thence South 88°40'00" West, along a line that is parallel with and a distance of 100 feet from the South boundary of Government Lot 4, to the mean high water line of the East bank of the Pend Oreille River; thence, Southerly along the mean high water line to a point where the South boundary of Government Lot 4 intersects the mean high water line of the East bank of the Pend Oreille River; thence North 88°40'00" East, along the South boundary of Government Lot 4 to the point of beginning.

Water Easement Area: Beginning at a point on the North section line of said Section 8 which is located Westerly a distance of 16.89 feet from the North 1/4 corner of said Section 8; thence South 31°09'01" East a distance of 208.29 feet; thence North 58°50'59" East a distance of 22.50 feet; thence South 31°09'01" East a distance of 160.00 feet; thence South 58°50'59" West a distance of 85.00 feet; thence North 31°09'01" West a distance of 160.00 feet; thence North 58°50'59" East a distance of 42.50 feet; thence North 31°09'01" West a distance of 196.74 feet; thence North 28°50'17" East a distance of 23.10 feet to the point of beginning.

And a 20.00 foot wide easement having the North section line of said Section 8 as its Northerly boundary and beginning at a point on the North section line of said Section 8 which is located in a Westerly direction a distance of 16.89 feet from the North 1/4 corner of said Section 8; thence in a Westerly direction along the North section line of said Section 8 to the intersection of the North section line of said Section 8 and the East right-of-way of LeClerc Road.

231661

122-1413

231661

Exhibit "C" (Continued)

And a 20.00 foot wide easement having the East right-of-way of LeClerc Road as its Westerly boundary and extending from the intersection of the North section line of said Section 8 and the East right-of-way of LeClerc Road in a Southerly direction a distance of 880.00 feet; thence continuing on with a 25.00 foot wide easement having the East right-of-way of LeClerc Road as its Westerly boundary in a Southerly direction for another 102.00 feet.

And a 20.00 wide easement having the West right-of-way of LeClerc Road as its Easterly boundary and extending from a 3/4" rebar w/Aluminum cap, RLS No. 24220 (as shown on the recorded survey with Auditor's No. 219002) on the West right-of-way of LeClerc Road which bears South 65°23'19" East, 2289.41 feet from the Northwest corner of said Section 8 and South 30°22'08" West, 1158.33 feet from the North 1/4 corner of said Section 8; thence in a Southerly direction along the West right-of-way of LeClerc Road a distance of 2982.00 feet.

And a 100.00 foot radius easement around a well located South 58°46'52" East, 2415.51 feet from the Northwest corner of said Section 8 and South 24°03'24" West, 1430.49 feet from the North 1/4 corner of said Section 8.

And a 100.00 foot radius easement around a well located South 39°12'58" East, 4815.90 feet from the Northwest corner of said Section 8 and South 5°58'18" East, 3806.13 feet from the North 1/4 corner of said Section 8.

And the East 80.00 feet of the 100 foot strip shown on the un-recorded survey by Milton Booth, RLS No. 10657, which was the basis for warranty deed Auditor's No. 171657. The beginning point for the 100.00 foot strip is the point where the South boundary of Government Lot 4, said Section 8, intersects the Survey line between points #5 and #6, and which point is North 58°27'00" West, 4831.61 feet from the Southeast corner of said Section 8; thence North 3°19'00" West, 100.17 feet to a point; thence South 88°40'00" West, along a line that is parallel with and a distance of 100 feet from the South boundary of Government Lot 4, to the mean high water line of the East bank of the Pend Oreille River; thence, Southerly along the mean high water line to a point where the South boundary of Government Lot 4 intersects the mean high water line of the East bank of the Pend Oreille River; thence North 88°40'00" East, along the South boundary of Government Lot 4 to the point of beginning.

Water Well Protective Area:

No. 1: A 100.00 foot radius easement around a well located South 58°46'52" East, 2415.51 feet from the Northwest corner of said Section 8 and South 24°03'24" West, 1430.49 feet from the North 1/4 corner of said Section 8.

No. 2: A 100.00 foot radius easement around a well located South 39°12'58" East, 4815.90 feet from the Northwest corner of said Section 8 and South 5°58'18" East, 3806.13 feet from the North 1/4 corner of said Section 8.

Utility Easement Area. The East 80.00 feet of the 100 foot strip shown on the un-recorded survey by Milton Booth, RLS No. 10657, which was the basis for warranty deed Auditor's No. 171657. The beginning point for the 100.00 foot strip is the point where the South boundary of Government Lot 4, said Section 8, intersects the Survey line between points #5 and #6, and which point is North 58°27'00" West, 4831.61 feet from the Southeast corner of said Section 8; thence North 3°19'00" West, 100.17 feet to a point; thence South 88°40'00" West, along a line that is parallel with and a distance of 100 feet from the South boundary of Government Lot 4, to the mean high water line of the East bank of the Pend Oreille River; thence, Southerly along the mean high water line to a point where the South boundary of Government Lot 4 intersects the mean high water line of the East bank of the Pend Oreille River; thence North 88°40'00" East, along the South boundary of Government Lot 4 to the point of beginning.

231661

122-144

ASSIGNMENT OF UTILITY EASEMENT AGREEMENT

8/31/93
9/27/93
17/31/93

SWANK & McPOLAND, an Idaho general partnership, hereby assigns to ASPEN REFLECTIONS LANDING WATER AND SEWER SYSTEM INCORPORATED, a Washington corporation, all of its right, title, and interest in that certain Utility Easement Agreement dated the 18th day of October, 1995, by and between SWANK & McPOLAND, an Idaho general partnership, and WASATCH ASSOCIATES III/IV, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference.

ASPEN REFLECTIONS LANDING WATER AND SEWER SYSTEM INCORPORATED, its successors and assigns, hereby agrees to assume and discharge when due all obligations of Swank & McPoland under the terms of the aforementioned Utility Easement Agreement, effective February 1, 1996.

DATED this 24 day of February, 1996.

SWANK & McPOLAND

By Donald R. Swank
DONALD R. SWANK, Partner

By Patricia A. Swank
PATRICIA A. SWANK

By D.B. McPoland
DONALD B. McPOLAND, Partner

By Lillian McPoland
LILLIAN McPOLAND

ASPEN REFLECTIONS LANDING WATER AND SEWER SYSTEM INCORPORATED

By D.B. McPoland
DONALD B. McPOLAND, President

RECORDED
PEND COUNTY AUDITORS OFFICE

'96 FEB 15 AM 10 44

VOL 123 PAGE 1305-1317
REC. NO. 27250 REC. FD. 1996
BY D. [unclear] DEPUTY

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.

Instructions for Lead Agencies:

Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). 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:** *Mountain Springs Ranch Rezone/Future Land-Use Map Change Amendment/ Rezone request (hereinafter "FLUMA/R request" in this document).*
- 2. Name of applicant:** *Wasatch Associates III/IV*

3. Address and phone number of applicant and contact person: Wasatch Associates, LLC, by Jay Henrie, 1829 S 100 W, Orem, UT 84058 Phone 801-885-7444

4. Date checklist prepared: March 30, 2016

5. Agency requesting checklist: Pend Oreille County Planning Department

6. Proposed timing or schedule (including phasing, if applicable): *It is anticipated that this project development would be a 10 year phased development commencing upon agency approval and extending through the end of 2026. Improved economic conditions could allow the project to be completed in two phases in as few as 6 years. Given the current economic condition in the region, it is more likely to span over 10 years as first described.*

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. *This proposal is for 167 acres of the total 430 acre Wasatch Associates holding. The maximum density allowed if approved for R-5 zoning is 33 total residential lots. This 33 lots would be a phased development over 10 years as described above. There are no plans for further expansion of the project covered in this proposal. However, the portions of the Wasatch Associates property not covered in this proposal is to be developed into the 20 acre parcels allowed in the NR-20 zone. It should be noted here that all properties in the Wasatch Associates property (all 430 acres) including the property covered in this proposal are included in a Large Lot Segregation application which is intended to run concurrently with this application, yet as entirely separate and unrelated proposals. This unusual combination of application processes will allow certain financial movement and vesting of portions of the property individually between the partners of Wasatch Associates immediately as well as providing the ability to immediately move forward with parcel liquidation should the FLUMA/R request be denied a second time. The Large Lot Segregation process is exempt from SEPA evaluation, being allowed as currently zoned. Undoubtedly, the Large Lot Segregation process will be completed prior to the completion of the FLUMA/R request and the entire holding will be divided into 20+ acre parcels prior to the outcome of the public hearing processes and County review timelines. This underlying division of land should have no impact on the Future Land Use Map Amendment/Rezone application process as the approval of the request will simply include Parcels 16 through 21. (Refer to Exhibits B and C, attached).*

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. *As the entire Wasatch Associates holding includes scattered individual wetland areas, and as a part of a previous Future Map Land Use Map Amendment/Rezone application process (which was unsuccessful) a wetlands assessment and delineation was undertaken by a Professional Wetlands Scientist, Mr. Tom Dubendorfer and maps were produced depicting the location and types of these wetland areas. Additionally, to enhance future design efforts, an aerial topography was done (LIDAR) to isolate existing drainage patterns, pond and existing primitive roadways (refer to Exhibit D).*

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. *No other such applications are known of at the time of this request.*

- 10. List any government approvals or permits that will be needed for your proposal, if known.** *At the time of this writing, and while the general objective of the owner is known, no finite and definitive project layout has been finalized. We do know we will qualify under the proposed zoning for 33 total dwelling units. A design specific SEPA, based on specific proposed design parameters and where applicable shoreline development application/permits (if any) and perhaps an environmental impact study will be required at the proper time or as requested by the Pend Oreille County Planning Department.*
- 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.)** *With specific regard to the portions of the Wasatch Associates holding covered under the specific FLUMA/R request, that portion of the property consists of 167.16 acres. This area is proposed as a small scale recreation based community with up to 33 total dwelling units of mixed types in terms of economic stratum and full urban style supporting utilities. At this time no finite plan or layout has been compiled. The owner would like to obtain approval of the Future Land Use Map Amendment/Rezone process before further expense related to the design process (Refer to Exhibit B).*
- 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 area of FLUMA/R request lies in Section 8, Township 37 North, Range 43 East, Willamette Meridian, Pend Oreille County, Washington, on Leclerc Road, lying between the Plat of Aspen Reflections Landing (Book 4, Page 21 of Plats/AFN 242759) and West of LeClerc Road; And includes a 40 acre parcel generally lying East of and between Leclerc Road and the West line of the East Half of the Southeast Quarter and a portion of the South 330 feet of the West Half of the North Half of Said Section 8 lying East of LeClerc Road. A metes and bounds description of the area covered by the FLUMA/R request is attached. (Refer to Exhibit B).*

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site (circle one):

Flat, rolling, hilly, steep slopes, mountainous, other: 90% (approximately) of the area contained in the FLUMA/R request area is near flat with slopes of 1-3%. A small area east of Leclerc Road contains slopes of 30%.

b. What is the steepest slope on the site (approximate percent slope)? *A small portion of the 40 acre area East of Leclerc Road contains slopes of 30%. (Refer to Exhibit D)*

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. *According to the NRCS Soil Survey, the soils on site are Anglen Silt Loam – Prime Farmland. Except in building envelopes and any roadway corridors, and perhaps in community drainfield areas the soils would remain in place as is.*

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. *None are apparent.*

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. *At this point in the process, no definite design has been compiled for this particular request, however, the site is generally flat. Little grading or fill would be necessary on the individual building sites, aside from that associated with foundation construction and stormwater capture/treatment by the future parcel owners. Of course, road work is anticipated and with that, some areas of minor cuts, fills, and grading are imminent, as well as the placement associated base rock which would be brought in from a local quarry/pit. Stormwater swales and containment areas are anticipated along the roadways according to the general runoff patterns of the land and roadways. The quantities cannot be determined at this time, however, project costs will benefit from the most efficient construction methods utilizing the minimum amounts of earthwork.*

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. *Erosion is unlikely as the site is generally devoid of high speed runoff channels aside from that of Maitlen Creek. The use of Best Management Practices associated with areas of earthwork combined with the natural tendency of sheet flow runoff on flat sites would preclude the occurrence of any significant erosion event.*

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? Considering the necessary building envelopes, typical driveways in the area and a reasonable estimate for roading, it would be a fair estimate that approximately 5% could be considered future impervious surface.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: *All earthwork undertaken by the owner developer in the installation of supporting infrastructure would strictly adhere to Best Management Practices, including the use of straw wattles/bales, silt fencing, hydro seeding of sensitive areas, silt traps and settling pools, etc.*

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? If any, generally describe and give approximate quantities if known. *“Non-sustained, temporary insult” type emissions from diesel powered construction equipment are anticipated during the installation of supporting infrastructure. This situation is typical of any such project and the absence of entrapment of those emissions locally is doubtful with relatively quick dispersal/diffusion due to the largely open area of the site and prevailing winds toward and over mostly undeveloped areas to the East. Once the project is completed, typical emissions from automobiles, lawnmowers and such*

are to be expected. Again, due to the prevailing winds any effect of offensive emissions will be short lived and quickly dispersed. Post construction emissions would be commensurate to any other residential neighborhood, from vehicles, woodstoves, yard maintenance apparatus, snow removal equipment and such, all being user generated and common to surrounding residents.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.** *None are anticipated.*
- c. Proposed measures to reduce or control emissions or other impacts to air, if any:** *Water trucks can be used to mitigate dust control in conjunction with and during infrastructure installation/earthwork phases of the project.*

3. Water

a. Surface Water:

- 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)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.** *Aside from Maitlen Creek crossing the extreme Southeast corner of that portion of the FLUMA/R request area West of Leclerc Road, and the wetland areas within the proposal area, there are no other areas of surface water in the proposal area. During the latter part of the summer season, the wetlands in this portion of the proposal area generally dry up, but the wetland vegetation and soils do remain. The flowing waters associated with Maitlen Creek discharge into the Pend Oreille River (See Exhibit D, attached, for wetland and stream locus).*
- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.** *“Clustering” of small lots with expansive open space areas will allow the development to stay well clear of the areas described above. It is unclear at this point in the process, what, if any development would occur on the 100-foot-wide keyway on the Pend Oreille River. Again, additional SEPA evaluation and possibly shoreline development assessment as required by the Pend Oreille County Planning Department would follow as specific design objective become finite.*
- 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.** *No development or earthwork activity is anticipated in wetlands or stream channels, nor their required buffer zones as a part of this proposal at this time.*
- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.** *No such activities are proposed or anticipated.*
- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.** *Aside from a very small portion of the 100-foot-wide waterfront area, the proposal area is above the 100-year flood plain (see Exhibit F, attached).*

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? 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.** *It is necessary that the existing water system and the existing water right be expanded to meet the capacity necessary to sustain the additional residential sites in this proposal. Preliminary meetings with the owners of the Aspen Reflections Sewer and Water Utility and with Don McPoland of Swank and McPoland regarding the expansion of the utility and its water right or the outright purchase and expansion of both and agreements reached in either case. Additionally, preliminary discussions/meeting have occurred with the Washington State Department of Health and the Washington State Department of Ecology on this matter. These matters would move forward once the outcome of this request are known. Wasatch Associates has no interest and there is no advantage in owning the utility except if they are approved in this request. If this request is approved, the existing water need would be approximately doubled over the allowable quantities of the existing water right. Additional wells would be placed according to the location of underground water anywhere within the Wasatch Associates holding and not necessarily within the bounds of this proposal. An additional water storage tank would likely be required depending on output from new wells.*

- 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 such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.** *The proposed method of domestic sewage treatment is individual on-site septic tanks with effluent pumped to a community drainfield(s). As there are at least two existing septic tanks and drainfields in service on that portion of the proposal lying East of Leclerc Road, an additional discharge/treatment area capacity for 31 additional hook ups/homes. No other types of discharge are anticipated.*

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? If so, describe.** *Large open space portions of this proposal will continue to drain naturally except in areas of conflict with installed infrastructure such as roads. The roadways and influent from natural runoff thereto would be captured and treated in roadside swales (GIA) and/or routed to designated treatment swale areas, stubborn areas or where design indicates necessary, GIA areas with overflow injection wells could be employed. These methods would capture and treat stormwater on site with little or no runoff elsewhere. The future lot buyers should be required to capture and treat water from impervious surfaces on their individual parcels/lots.*

6) Does the proposal involve any discharges of waste materials to surface waters? If so,

2) **Could waste materials enter ground or surface waters? If so, generally describe.** *No waste materials would be allowed to escape containment on the site and away from sensitive areas during the construction phase(s). Fuels and Oil for equipment should be provided from vehicular slip tanks or service trucks and no such product allowed to be stored on site at any point. Designated containment areas away from sensitive areas for fueling and servicing equipment can be provided to protect the environment. Damaging quantities of waste materials other than domestic sewage are not anticipated in the after construction phases with normal day to day residential use.*

3) **Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.** *Good design strategies integrate and maintain natural drainage patterns in their design. That strategy will be employed in this project and impact to such will be mitigated in a satisfactory manner.*

d. **Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:** *The design phase will employ Best Management Practices (BMPs) in controlling surface and runoff water, capturing and treating runoff in roadside swales, Grassed Infiltration Areas, sedimentation basins (if needed) prior to any discharge into the natural environment. The site is generally flat and existing drainage patterns can be maintained or perhaps even enhanced in this process.*

4. Plants

a. **Check the 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

NOTE: *The area within the bounds of the FLUMAVR request are largely pasture lands. The types of trees and shrub blanks were checked because they do exist along fence rows, around the existing residences, and such. There is no appreciable number of trees or shrubs within the bounds of this proposal.*

b. **What kind and amount of vegetation will be removed or altered?** *Removal of vegetative cover is discouraged except where necessary to install supporting infrastructure. The precise amount would appear on the next round of SEPA evaluation.*

- c. **List threatened and endangered species known to be on or near the site.** *Aside from Eagles who visit the Pend Oreille River corridor and the Bull Trout who resides in the river, no other threatened or endangered species regularly inhabit or depend on the site.*
- d. **Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:** *In conjunction with the platting process, it is intended that CC&Rs be developed for this project. In that document requirements would be set governing the types of plants, trees and shrubs that would be allowed in development. In that document, the buyers will be required to use native plants, trees, shrubs and grasses for landscaping. GIA areas would be hydro seeded with native grasses. Any road side landscaping or entry features would be required to use native grasses, trees and shrubs.*
- e. **List all noxious weeds and invasive species known to be on or near the site.** *The site has not been evaluated at this time for the presence of noxious weeds, or assessment of particular species. However, the proposal area is mostly comprised of open pasture land with good grass cover. Undoubtedly, as with most large parcels in the region, some undesirable weed species exist. This issue can be assessed prior to the next level of SEPA evaluation.*

5. Animals

- a. **List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include:**

birds: hawk, heron, eagle, songbirds, **other:** ducks, geese, ravens, crows, turkeys, grouse,

mammals: deer, bear, elk, beaver, **other:** squirrels, coyote, snowshoe hare, raccoons, muskrat.

fish: bass, salmon, trout, crawfish, **other:** pike, crappie, perch

- b. **List any threatened and endangered species known to be on or near the site.** *Eagles frequent the Pend Oreille River corridor. The Pend Oreille River is also home to the Bull Trout.*
- c. **Is the site part of a migration route? If so, explain.** *No. Although the Pend Oreille River corridor is a major waterfowl flyway.*
- d. **Proposed measures to preserve or enhance wildlife, if any:** *The FLUMA/R request area consists of 167 acres. Using "clustering" with small lots of 1 acre or less and minimal roading will leave more than 100 acres of open space left in a natural state. These areas could be seeded with oats or other desirable food for deer and elk to enhance use by local deer and elk herds. The recreational theme of the project welcomes wildlife as a natural draw to perspective buyers.*
- e. **List any invasive animal species known to be on or near the site.** *Domestic dogs and cats are present in the residential properties in the area.*

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.** *The project area would certainly be served by electricity and a number of homes will opt to use that energy for heating purposes. As the proposed project area is open and devoid of trees, the site would lend itself to the use of solar power as an auxiliary energy source through the 6 to 8 months of regular sunshine. As is typical in rural settings, some owners will certainly opt to heat with wood stoves or at least supplement other heat sources with a traditional wood stove. The use of oil furnaces would be an option for some owners as well. Given the proposed concepts for this development, it is questionable how many residences would be occupied on a year round basis, some being second homes or weekend cabin style dwellings. No manufacturing on a commercial basis would be allowed in the recreational residential style development.*
- b. **Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.** *No. Building heights will be governed by CC&Rs.*
- 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:** *CC&Rs can be developed to require residences be constructed to the highest form of energy efficiency. Coupled with the building codes in effect in the County at the time of construction this will result in highly efficient structures with regard to heating and cooling and related energy use. Further, CC&Rs would dictate the types of outdoor and security lighting that could be used (low output LED, etc.). Any road or street lamps, entry features, etc., installed with the supporting infrastructure would be required to be low output fixtures with the highest energy rating.*

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? If so, describe.** *No. No risks beyond those typical risks present in regular residential communities are anticipated.*
- 1) **Describe any known or possible contamination at the site from present or past uses.** *There are no known contamination issues past or present on this site.*
- 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 anticipated or present.*
- 3) **Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.** *None are anticipated.*
- 4) **Describe special emergency services that might be required.** *None.*
- 5) **Proposed measures to reduce or control environmental health hazards, if any:** *None*

b. Noise

- 1) **What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?** *Typical noise sources in the area are from Leclerc Road, Reflections Drive North and South, aircraft, the occasional boat passage on the river, yard maintenance equipment, chain saws, snow removal equipment, and other noises associated with day to day life in a residential setting.*
- 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.** *The largest amount of high level noise generated will be those noises associated with the installation of supporting infrastructure during earthwork phases and the coming and going of dump trucks, excavating equipment and the running of vibratory equipment associated with road base construction and paving. Noises associated with construction efforts would be limited to the hours of 6:00 AM and 6:00 PM. Long term low level noise sources are those sources discussed at item b.2 above.*
- 3) **Proposed measures to reduce or control noise impacts, if any:** **The control of construction work hours will limit the high volume noise levels associated with construction activities to daylight hours. As the site is largely devoid of vertical reflective structures, the noise should carry and disperse in a favorable manner.**

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? If so, describe.** *Current use of the site is dormant pasture land. With regard to the portion of the site lying West of Leclerc Road, the property to the South is of residential use and is bounded by a golf course, to the West, the site is bounded by an urban style residential development, Aspen Reflections Landing, consisting of 40 lots of 1 acre or less with urban services (paved streets, water system, sewer system, fire hydrants); The property to the north is of a rural residential use; To the East lies Leclerc Road, a County arterial; Beyond Leclerc road the property to the East is largely undeveloped forest land except for that particular portion of the site lying East of Leclerc Road, which currently holds two residences and a number of outbuildings and barn. Beyond that parcel to the East is undeveloped forest land. This proposal will have no significant impact on surrounding uses.*
- b. **Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?** *This portion of the Wasatch Associates property has served as grazing land for livestock under a lease agreement for the past twenty years and no merchantable timber exists on site. The soils in the site area are listed as good quality for agriculture, however the site has not produced agricultural commodities in the recent past and has little to no value in terms of long-term commercial significance. The entire FLUMA/R request area consists of 167 acres and was removed from agricultural tax status in conjunction with our previous request in 2014-2015.*

- 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? If so, how: *No.*
- c. Describe any structures on the site. *A large and long standing ranch house, an old bunkhouse (used in operation of the old boy's ranch), a mobile home residence, a large barn, a large open sided hay storage shed, two metal shop buildings and other smaller outbuildings exist on site.*
- d. Will any structures be demolished? If so, what? *It is unclear at this point of the design phase what would be removed or demolished from the site. It is likely that the long standing ranch house and bunkhouse facility will remain. Potential uses and value of the other structures are being evaluated at the time of this writing.*
- e. What is the current zoning classification of the site? *NR20*
- f. What is the current comprehensive plan designation of the site? *NR-20*
- 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? If so, specify. *None that we are aware of.*
- i. Approximately how many people would reside or work in the completed project? *Based on a family of four, the density would yield approximately 132 persons if they were year round residents. Infrastructure installation would result in up to 30 persons, individual construction of homes and site development would be intermittent and is difficult to predict. Allow 20 additional jobs for that purpose.*
- 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: *Based on close proximity to the City of Lone, adjacent urban style development and the desire of the public to live in close proximity to the river, we believe the proposal is consistent with trends in the area and therefore compatible with existing and projected land uses.*
- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any: *The large open space area is conducive to and may remain in use as grazing land or perhaps food plots for wildlife. This will insure an enhanced buffer area between developed areas and surrounding lands and uses remaining in the NR20 zone.*

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. *The total build-out density allowable under the proposed zoning is 33 dwelling units or the equivalent of 33 dwelling units.*

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. *It is likely that the mobile home on the East side of Leclerc Road will be eliminated and the dwelling unit be used elsewhere in the project. As mentioned previously, the project will be recreation based and as such would allow multiple residence styles and economic stratum. Some units would be simple summer cottages, some would be 1500 square foot ranch style homes and some would be upper level homes beyond 2000 square feet in size. No low-income housing is to be a part of this development which would support middle income to high income status.*

c. Proposed measures to reduce or control housing impacts, if any: *The objective of the developer is to provide the three types of dwelling units discussed above in order to provide a mix in terms of the types of residents. Some will be weekend only with a weekend cabin, some will be summer residents with a second small residence and some will be year round resident single home owners. This very notion will aid in controlling housing impacts and the presence of full time residents is therefore reduced.*

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? *At this time there are no structures being proposed in this buy and build scenario. As the project moves forward the CC&Rs will emphasize the recreational theme and stress the need for rustic and natural appearances of housing. Certain areas of the site (perhaps 30 percent) may allow structures of two stories in height. The remaining sites would consist of single floor ranch style homes. CC&Rs will dictate that principle exterior materials would consist of wood siding and rock (or materials that generate that appearance).*

b. What views in the immediate vicinity would be altered or obstructed? *From the lots in the plat of Aspen Reflections Landing, some views to the East may be compromised, however, the views to the West (river), North and South will be unimpeded and remain as they are. Efforts in final design will attempt to minimize impact to existing views where reasonably practical.*

c. Proposed measures to reduce or control aesthetic impacts, if any: *By the use of natural siding materials, clustering of lots and care in placement of new lots aesthetic impacts will be minimized to the fullest extent practical.*

11. Light and glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur? *The night sky is a major amenity to the project, downcast, low intensity lighting would be used wherever lighting is necessary. This will minimize potential glare from escaping the site.*

b. Could light or glare from the finished project be a safety hazard or interfere with views? *Minimal use of exterior lighting and requiring any street lighting to be as discussed above and by requiring that all exterior lighting on structures be low output LED lighting the possible of glare causing safety hazards in the area will be minimized.*

- c. **What existing off-site sources of light or glare may affect your proposal?** *At this time there are no such sources present.*
- d. **Proposed measures to reduce or control light and glare impacts, if any:** *Minimal use of exterior lighting and requiring any street lighting to be low output downcast lighting and by requiring that all exterior lighting on structures be low output LED lighting the possibility of glare is largely mitigated.*

12. Recreation

- a. **What designated and informal recreational opportunities are in the immediate vicinity?** *The area offers great opportunity for hunting, fishing, hiking, boating, biking, cross country skiing and a myriad of other outdoor activities.*
- b. **Would the proposed project displace any existing recreational uses? If so, describe.**
None
- c. **Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:** *In the project vicinity, compared to other, more populated areas, there is little participant pressure on recreational activities, except on holiday weekends and such. Most of the heavy use comes on holiday weekends on the Pend Oreille River. This small scale, phased project will have little significant impact upon these recreational resources and no real planned measures to control impact on recreational activities at this time.*

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? If so, specifically describe.** *None are known to be present.*
- b. **Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.** *None are known to be present.*
- 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.** *The area contained within the FLUMA/R request is almost entirely cleared pasture land. Aside from the earthwork involved with installation of the supporting infrastructure, there is little to no damage to the resources in the area. Cluster style lots will be situated to avoid critical areas such as wetlands. The majority of the proposal area will remain unchanged and in its current state. Aside from those measures associated with the protection of ground*

and surface water by the use of BMPs in construction, no other measures are proposed, unless a situation arises where damage of resources must be mitigated.

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 plans, if any.** *As mentioned previously, no finite layout of lots has been finalized. From our previous proposal, we are able to determine that access to the building sites would come from either Reflections Drive North and/or South or from Leclerc Road or both.*
- e. **Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?** *Currently no public transit service exists to the site. However, there is public transit service approximately a quarter mile North of the proposed project area. Because of the relatively short distance of separation, it is conceivable that the site could become a designated stop on the route after completion.*
- b. **How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?** *It is anticipated that each lot or building site would provide its own off-street parking for 2 cars. No existing parking would be eliminated.*
- c. **Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).** *The answer to this question is dependent upon whether the owner decides to access the building sites over the existing private road system for Reflections Drive North and South. Agreements exist allowing Wasatch Associates to use these private roads in the development of this site. This would likely require widening these roads to current width standards and resurfacing. Should access from Leclerc Road prove to be more economically practical then that route would be chosen. These issues would be more thoroughly discussed on the next level of SEPA evaluation.*
- d. **Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.** *It is anticipated that the majority of transportation will be by automobile. However, close proximity to the lone airport would allow air transportation to and from the area.*
- e. **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 nonpassenger vehicles). What data or transportation models were used to make these estimates?** *It is anticipated that only about 10% of the expected residents will be year round, with the majority being second homes or vacation homes. With that said, and in a worst case scenario, peak traffic flows would reasonably be expected between 7:00 – 8:00 AM and 5:00 – 6:00 PM. Peak traffic would be 3 trips per day per Dwelling Unit. Total trips per day would be anticipated to be about 100.*
- f. **Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.** *No.*

g. **Proposed measures to reduce or control transportation impacts, if any:** *It would be our intent to work very closely with the Road Department in the design process and meet the necessary requirements for the project.*

15. Public services

a. **Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.** Yes, an increase on public services will result due to growth associated with the project.

b. **Proposed measures to reduce or control direct impacts on public services, if any.** *The owner has expressed a willingness to dedicate land for a combined emergency service use facility. This facility could include fire and paramedic services and air ambulance. Such a facility would be beneficial to those persons living in the vicinity.*

16. Utilities

a. **Circle utilities currently available at the site:** electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, 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.** *Electrical power is provided by Pend Oreille PUD; Refuse is handled by Gary's Garbage Service; Water will be delivered to all new lots by an upgrade of the existing Aspen Reflections Water system; Sewer will be handled by individual on-site septic tanks and community drainfield; telephone will be handled by Frontier Communications. All of these services would need to be extended up through any new development area and would be incorporated with any new roadway/utility construction.*

C. 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: *Glen D. Cash Sr*

Name of signee: Glen D. Cash, Sr

Position and Agency/Organization: PLS/President, Intermountain Land Surveyors

Date Submitted: 04/01/16



**EXHIBIT A
PROJECT NARRATIVE
FUTURE LAND USE MAP AMENDMENT/REZONE REQUEST
MOUNTAIN SPRINGS RANCH**

PROJECT LOCATION

The project site consists of portions of Section 8 of Township 37 North, Range 43 East, WM, and the approximate center of the property is approximately 1.6 air miles Southeasterly from the Community Center of the City of Lone, Washington, situated along LeClerc Road, approximately ¼ mile South of the bridge over the Pend Oreille River (Sullivan Lake Road).

PROPOSED PROJECT AND PROPOSED RE-CLASSIFICATION OF NATURAL RESOURCE LANDS

The proposal at hand is to remove 167 acres of land in Section 8, Township 37 North, Range 43 East, W.M., in Pend Oreille County, from its current Natural Resource Designation, NR-20 zoning, and rezone to R-5 zoning for the propose of creating a small scale recreation based development, with a focus on an outdoor life style, recreational enjoyment and related uses.

The project concept is to create the project based on an *outdoor recreational theme*, based on the numerous natural outdoor recreational opportunities present in the Pend Oreille River Basin and surrounding areas. In order to minimize residential footprints and the impact of infrastructure and its installation, an assortment of clustered small lots (1/2 acre to 1.0 acre) is proposed in Parcels A and B (depicted on Exhibit B attached). This project request comes subsequent to a request for a Future Land Use Map Amendment/Rezone (FLUMA/R in this document) request which was denied by the County in public hearings in 2014-2015. Except for the 40-acre parcel contained in Parcel B (Refer to Exhibit B), the bulk of the property in the Wasatch Associates holding lying East of Leclerc Road, has been eliminated in this new proposal. That particular portion of the Wasatch Associates holding (260 acres) parcels are proposed to be divided by separate application using the Large Lot Segregation process maintaining current NR20 zoning and remaining in Natural Resource Designation.

In order to reduce environmental impacts to the land and promote large areas of dedicated open space, this proposal would consist of up to the equivalent of 33 clustered residential units (or as the relationship between some transient residential and some residential units allows) consisting of three basic sub-component themes:

- 1.) Time share and/or Rental Cabins (for transient lodging).
- 2.) Residential Cottages (intended as "second homes" for weekend getaway" recreational uses).
- 3.) Permanent residences (year round residents).

CURRENT STATUS AND HISTORICAL USE OF LAND

Currently the land is owned by Wasatch Associates of Orem, Utah. Wasatch Associates III/IV is a partnership owned by Jay Henrie, a semi-retired civil engineer, and Vincent Hansen, a doctor, both of whom reside in Orem, Utah. Wasatch Associates took possession of the property in 1985. Since the

time of their vesting, neither owner has resided on the premises. ***The land was viewed by Wasatch Associates as an investment and has always been intended to be used for future development.***

Prior to 1985, under previous ownership, the property was being used and developed as a "Boy's Ranch" which was, more or less, a halfway house for problem youth. Primarily, the land was used as a ranch which produced hay for use in feeding its own livestock. The boys worked the ranch and associated activities as a form of rehabilitation. Along with a single residence and outbuildings, an 18 room bunkhouse was constructed to house the boys. For whatever reason, the Boy's Ranch closed just prior to 1985, never realizing its full potential.

Since 1985, under the ownership of Wasatch Associates, the 2 inhabitable residential structures on the property (consisting of an approximately 3,200 sq. ft. house and a 12 x 60 mobile home) have been periodically rented out as single family residences. The bunkhouse (approximately 3150 sq. ft.) remains vacant. Additionally, there are other outbuildings on site including a barn, hay shed and two metal, pole building style garages. These structures, while somewhat in a state of decline, are still in useable existence today and may be salvageable/useable. Some of the outbuildings currently store vehicles, campers, boats and some are simply vacant. Three of the structures on the property (house and mobile home) are served by individual NETCHD approved septic tank/drain field systems. The bunkhouse has a separate NETCHD approved septic tank and drain field. Water is provided to all three structures from private well no. 5 in the southeasterly portion of the "Future NR20 Parcel" area.

The pasture areas have been leased out off and on over the years for the grazing of livestock and/or for use in the production of hay, on small scale basis.

It is clear and can be argued that the lands contained in the bounds of this request are, in fact, suitable for agricultural uses. The Pend Oreille River Basin is blessed with similar lands along its route from Newport to the Canadian Border.

HISTORY OF LAND DESIGNATION/CLASSIFICATION AND BASIS OF REQUEST

Prior to the inception of the Pend Oreille County Comprehensive Plan in 2005, the property within the bounds of this FLUMA/R request was zoned as Agricultural. Like many other large properties in the area, when the Comprehensive Plan was approved, largely because of its Ag exemption and its "large parcel status" was placed into Natural Resource Designation in the NR-20 zone(s) along with many other similar large scale properties in the Pend Oreille River Basin. As expressly discussed below, guidelines handed down from the State of Washington to Counties for this process did not require "parcel by parcel" analysis before this designation. In this particular case, certain conditions existed as "flags" for Non-Natural Resource designation (for at least a portion of the property) in their consideration/determination in the process. It is entirely possible that these flags were simply overlooked in the large-scale and labor intensive Natural Resource Designation Process.

This request for removal from Natural Resource Designation centers on the distinct possibility, that at least the portion of the Wasatch Associates holding within the bounds of this request probably should not have been placed into the Natural Resource Designation. This premise is based on the following site condition/situation present prior to the time of designation:

- 1.) Proximity to long standing "Urban Services" (paved streets, community sewer collection and treatment, a large scale community water system, including fire hydrants and transmission

pipelines on the Wasatch Associates property which currently serve Aspen Reflections Landing).

- 2.) Written and recorded agreements for sewer, water and roadway expansion, created and filed prior to County Re-designation, indicating the intent to expand existing urban services and develop the Wasatch property in the future. These documents were on file prior to the designation into Natural Resource Designation.
- 3.) Proximity to "Urban Style" small parcel development whose paved roads, Aspen Reflections Drive North and South reside on property owned by Wasatch Associates.
- 4.) 127 acres of the property contained in the FLUMA/R request are bounded on all sides by paved roadways (Aspen Reflections Drive North and South (private roads with recorded reciprocal use agreement in place) and Leclerc Road (County Arterial).
- 5.) The 40-acre parcel East of Leclerc Road is currently developed into a residential use and fronts directly on Leclerc Road (Arterial).
- 6.) Proximity to Arterial Transportation.
- 7.) Existing Neighboring Commercial Use (Golf Course).
- 8.) Reasonable proximity to R-5 zoning and other lands not designated as Natural Resource lands.

NATURAL RESOURCE DESIGNATION-CONSIDERATION GUIDELINES

The Growth Management Act and the Department of Commerce prepared strict guidelines for consideration by the various Counties in the determination of the various uses and types of lands that would be placed into the Natural Resource Designation. Well known to jurisdictional agencies, State Code and the requirements are too lengthy for discussion here, but the following excerpts from the WAC (Washington Administrative Code) and the RCW in their direction to Counties that are of specific and unique interest in the assessment of the status of this property when initially placed into the Natural Resource designation are:

From RCW 36.70A.030(8):

"land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33140, and that has long-term commercial significance. In determining whether forest land is primarily devoted to growing trees for long term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) **"The proximity of the land to urban, suburban and rural settlements;** (b) **surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses;** (c) long-term economic conditions that affect the ability to manage for timber production; (d) **the availability of public facilities and services conducive to conversion of forest land to other uses."**

In this, it is clear that lands being considered were not necessarily evaluated on an individual case by case basis but rather on a general basis using parcel size and tax status as the criteria for re-designating Ag lands into Natural Resource Designation. In that, perhaps some important criterion that may have precluded the initial placement of this property into Natural Resource Designation were apparently overlooked. With specific regard to the above highlighted information, the presence of urban style utilities on site, paved roads including a paved County arterial, considering neighboring densities and uses, and the existence of recorded documents providing for the expansion of existing infrastructure for use in future development, it can be said that if the following information were properly evaluated, *the land may have simply stayed under Ag exemption but not necessarily placed in the Natural Resource Designation.*

(RCW 36.70A.030(8))

a.) ***“the proximity of the land to urban, suburban and rural settlements”***. The property is bounded on the West and shares infrastructure with Aspen Reflections Landing which consists of 40 waterfront lots of less than 1 acre each. While the property is not classified as an *“urban growth area”* by the City of Lone, the development, in fact, enjoys the presence of *“urban services”* which are commonly defined as community water system, provisions for fire suppression, community sewer system, paved streets, electrical utilities and communications in place.

b.) ***“surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses”***;

The property included in 127-acre Parcel A of this application is bordered on the North by Reflections Drive North and Block One of Aspen Reflections Landing which contains 16 lots of less than 1 acre of total area (zoned R20). The parcel within the bounds of this request fronts directly on Leclerc Road on the East; beyond the road are Future NR20 Parcels (see Exhibit B) owned by Wasatch Associates on the Northerly portion and Parcel B which is the 40-acre parcel East of Leclerc Road (Exhibit B) being a portion of this request. The adjacent land on the South consists of (progressing Southerly) Reflections Drive South and portions of Block 2 of Aspen Reflections Landing (R20), and tax parcels (zoned R5) in residential use, as well as the Serendipity Golf Course, a commercial/recreational use.

With regard to Parcel B (the 40-acre parcel in this request lying East of Leclerc Road), to the North lies the Future NR20 Parcels (see Exhibit B) owned by Wasatch Associates. The adjacent land on the East is 20 acre parcels (NR20) in other ownership used in cattle rearing. Portions have been partly logged. To the South is a 12-acre parcel (R5) and to the West is Leclerc Road (County Arterial). Beyond the County Road lies Parcel A of this request, owned by Wasatch Associates.

c.) ***long-term local economic conditions that affect the ability to manage for timber production;***

The property within the proposal lies in what is generally a resource based economically challenged or, perhaps somewhat economically dysfunctional area and remains vested in the hands of out-of-state owners who currently have no specific interest in and will not manage the property for agricultural production of long term commercial significance. The property within the bounds of this request is devoid of merchantable timber.

Since the closure of the “Boys Ranch” and during the 30 years Wasatch Associates has owned the property there has been no professional management (stewardship) of the property towards significant future and long term agricultural use.

Since the closure of the “Boys Ranch” the pasture lands have been periodically leased out for grazing of cattle. These activities were undertaken in an effort to provide funds to cover the annual tax liabilities associated with ownership.

Attached hereto is Exhibit E, “Mountain Springs Ranch, Farm and Timber Income” which is a generic spread sheet depicting annual income over the time period the property has been vested in Wasatch Associates. As indicated on the exhibit, the total funds generated from logging and grazing leases is \$189,999. This equates to average annual revenue generated from

these activities as \$6,333 per annum (1985-2015). Revenues from the land within the request area over that time period specifically from Agriculture is \$69,463 which is \$2,300 per annum.

The lone and Metaline Falls area will, at least for the foreseeable future, remain dependent upon a resource based economy, largely based on timber and mining. However, a drive through the area indicates that there is an emergence of a growing recreational economic component that is becoming a factor in the local economy. With the advent of the water trails system, the Selkirk Loop and numerous recreational opportunities in the area, it is clear that this component will be key in the future diversification of the local economy. It is with this in mind that this proposal/request should be considered as a step towards the future. It is clear that the complex of the Mountain Springs Ranch request would fit into and be a positive addition to the emerging recreational economic component of the local economy. *It is certainly arguable that the economic impact of this specific proposal outweighs any economic impact generated by leaving the property in its current Natural Resource Designation and proceeds generated by its current use.*

- d.) **“the availability of public facilities and services conducive to conversion of forest land to other uses.”** In fact, at the time of the initial re-designation to Natural Resource Lands in 2005, written and recorded agreements were in place between the developer of Aspen Reflections Landing and Wasatch Associates, allowing the use and expansion of both the water and sewer system for use in the future development of the lands contained in this application request (See **Inst. Nos. 231661, 232055, 244302, and 232315, attached hereto**). While only 3 of the 5 existing wells are in production, all 5 wells are located on the Wasatch properties as well as the 77,400 gallon (approximate maximum capacity-operating capacity is less) water storage tank (photo included). While all fire hydrants serving Aspen Reflections Landing are within the private road easement and within the bounds of the plat of record, according to the deeds, all reside on Wasatch property. Further, while the plat of Aspen Reflections Landing contains the two serving, private streets (Reflections Drive North and South), approximately 2/3 of the street widths of both Aspen Reflections Drive North and South, respectively, portions of the private road easement, and the sewer and water mains, sewer drain fields and reserve drain fields serving the existing subdivision lie on the Wasatch Property (Parcel A). At the time of this application, Wasatch Associates has entered into a formal work agreement for task of securing expanded water rights. Interaction and coordination with the Washington State Department of Ecology and the Washington State Department of Health has occurred with positive outlook. The property is generally bisected by LeClerc Road which is a County defined, paved arterial well suited to absorb any additional traffic loading generated by the proposal. Further, negotiations have been completed and a Letter of Intent received for the purchase of the Aspen Reflections Sewer and Water System by Wasatch Associates, contingent upon the outcome of this request. ***So, in fact, Urban Services do exist within the bounds of this request and can be expanded to serve this proposal. Further, since 1995 recorded agreements have been in place which provide Wasatch Associates the right to expand the Aspen Reflections Landing infrastructure to serve this proposed project.***

TAX STATUS-THEN AND NOW

Excerpt from Pend Oreille County Comprehensive Plan, Page 27, Table 2.1:

“Parcels with Natural Resource designation must have a tax status as a designated Timber or Agricultural Land or currently in use as a mine.”

At the time of re-designation to Natural Resource Lands (circa 2005), the lands in the entire Wasatch Associates holding have been taxed under Ag and Timber Exemption which met one of the criteria which allowed the lands to be placed into Natural Resource Lands designation, provided certain other criteria were considered (as outlined above).

In early March of 2014, Wasatch Associates, as a part of its first attempt to remove the land from Natural Resource designation and rezone the property to R5 zoning, paid "recompense taxes" (the difference between Ag and Timber Exemption and Rural 20 over 10 years) amounting to \$47,607 dollars. **On March 6, 2014, the Office of the Assessor of Pend Oreille County removed the lands within the bounds of this request from its current use** (see "Notice of Removal of Current Use Classification", dated March 6, 2014 and subsequent receipts for recompense taxes dated March 7, 2014, **Exhibit G** attached).

As of March 6, 2014 the tax status of the land included in this request was changed. Based solely on resultant tax status alone, the property no longer meets the criteria to remain in "Natural Resource Lands" designation according to the Pend Oreille County Comprehensive Plan, Page 27, Table 2.1: "Parcels with Natural Resource designation must have a tax status as a designated Timber or Agricultural Land or currently in use as a mine."

At its regular meeting on Tuesday, March 11, 2014, the Pend Oreille County Planning Commission conditionally approved the request and recommended to the County Commissioners that the land be removed from NR-20 designation and converted to R-5 zoning. The County Commissioners, noting that a "Future Land-Use Map Amendment" was necessary, remanded the decision back to the Planning Commission for completion of that process. The request was later denied by the Planning Commission.

EXISTING TRANSPORTATION OPTIONS AND ABILITY TO SERVE

The site is bisected by LeClerc Road, a 2 lane, paved County Arterial in good condition which at current is very lightly traveled and can easily handle additional traffic loading beyond the needs of this proposal. With regard to the portion of the request lying West of Leclerc Road, the extreme North, Northwestern, Western, Southwestern and South boundary is adjacent to Reflections Drive North and South respectively which are paved private roads. Should these private roads be used for access to the proposal, it is anticipated that: a) The County would require certain improvements to the roadway; b) the owners of future lots within the bounds of the proposal would be required to participate in road maintenance with the owners of the lots in Aspen Reflections on a pro rata share by written agreement (CC&Rs) between the owner's association of both interests.

The airport at Lone is about three miles by road to the southeast of the proposal and will no doubt contribute to the transportation portfolio for the proposal.

ECONOMIC CONDITION-PRESENT AND FUTURE

The Lone and Metaline Falls area have long depended on employment opportunities in mining, timber and to some degree, ranching and haying. Most of the mining activity has ceased, either being mined out or finding itself in impossible situations in terms of expansion or sustenance due to EPA restrictions and associated costs with permitting and environmental restriction. The timber industry, while carrying forward on private timber, has been modernized with mechanical harvesting methods which have reduced the need for the great numbers of men on the ground necessary in the harvest process. Most of the small family owned Mom and Pop lumber mills have closed and those mills who are still open belong to large scale corporate interests who have also modernized and put out large quantities of

lumber without about half of the work force once required in the mills. The negative spin off effect from businesses who serve and supply these industries has been enormous.

As we are all aware, the surrounding uplands and mountains are highly conducive to the production of timber, for miles and miles. In fact, as much as 55 to 60% of *all lands are in the possession of governmental agencies and covered with or being actively and professionally managed for the production of timber*. The United States Department of Agriculture, United States Forest Service, the Washington State Department of Agriculture and large scale, corporate timber companies have major timber holdings throughout the Northeastern Washington Area. The facts are that, combined with the "lock-up" of Federal Timber, the demand for loggers and millworkers has been significantly reduced over the years. ***As a result, folks are leaving the area to find work where they can.***

Agricultural uses are not significantly diversified in this corridor because of the extremely short growing season, and most uses in this classification are related to the production of hay for the feeding of local livestock and family ranching activities. There is little export to distant markets. Ranching efforts are sadly, in decline with smaller interests running in survival mode. ***Worse is the fact that as a general rule the next generation is leaving the area to find work in technical fields and advanced trades.***

DIVERSIFICATION AND THE FUTURE

While some form of the once thriving timber and mining industries will undoubtedly continue, it is clear that these depressed areas have a single option called "diversification". This will be a slow and difficult process, but as other inland northwest communities have discovered, diversification is the answer. Lone is ahead of the curve in its creation of its modern community center and educational opportunities offered there.

Opponents to the project and processes will undoubtedly hang on to the timber and agriculture uses even though the areas beyond the project are saturated with those uses for many square miles. Many similar forward thinking communities are discovering that recreational opportunities once taken for granted by the locals are marketable to the outsider, who will eventually choose to relocate and bring new enterprises, leading to the development of new sectors of the economy and related job opportunities. The internet and other forms of advanced communication are bringing small, highly profitable, high tech interests to remote areas throughout the Pacific Northwest. These very busy people will desire/require modern housing and innovative forward thinking communities. Additionally, they want the recreational playground that we often take for granted.

With the advent of the *International Selkirk Loop* and *Water Trails System*, combined with the unparalleled natural beauty of the area and its unlimited outdoor opportunities, ***it is clear that recreational opportunities will be a catalyst in future growth***. It is in this interest and in the long term belief that the area can grow and prosper by marketing these recreational opportunities, yet maintaining the current lifestyle that exists in the area today. It is their concept to carefully phase the project over time based on marketing success and market trends. We believe that the recreational opportunities offered in the area coupled with a national or perhaps international marketing effort will culminate in ultimate success for the entire area as well as the proposal at hand.

WETLANDS AREAS, WILDLIFE, AND CRITICAL HABITAT

The land contained within this proposal is blessed with thriving wetland areas and abundant wildlife, including elk, bear, cougar, whitetail deer, turkeys, ducks, geese and numerous native non-game bird

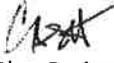
species, typical to the Pend Oreille River Valley. While no development can claim no impact on the environment, it is the contention of the developer that the thriving wildlife in the area is critical to the theme and overall success of this proposal. Significant and prudent design standards and supporting CC&Rs are proposed to protect these valuable areas and wildlife.

To date, the project design is in the evaluative and conceptual process and has remained flexible, modifying the layout numerous times to achieve the best use of the land and minimize the "infrastructure footprint" by:

- 1.) Use as an integral part of the design process, a high order aerial topography by LIDAR methods has been completed. Using this method existing roadways, natural drainages and key features are visible.
- 2.) Protection and enhancement of the wetland areas within the project boundary. These areas have been located and evaluated by a Professional Wetlands Scientist (PWS), Mr. Tom Duebendorfer. With these areas located, lots can be developed away from critical areas.
- 3.) Using "clustering concepts" and multiple lot uses and sizing schemes will yield large open spaces. Mr. Jim Bottoroff, a retired wildlife officer, has personally toured portions of the site and provided useful suggestions to be used in the final design process.
- 4.) Upon a final and approved layout, it is the intent of Wasatch Associates to place critical areas into conservation easements in perpetuity. Perspective candidates as easement beneficiaries include, but are not limited to NRCS, Rocky Mountain Elk Foundation, Ducks Unlimited and others.

It is clear that the lone area is, as is much of the Inland Northwest, in a state of economic remission and is searching for a new and more diversified economic identity. In this, it must collectively broaden its economic base in order to move forward in the future. ***While every project is not right for every community, because of its unique theme, and the integrity of its developer, Mountain Springs Ranch appears to be a development that can quietly blend in to the rural lifestyle shared by the residents of the lone area.*** Area wide benefits will include but not be limited to expanded tax revenues for investment in infrastructure and schools and the construction process will bring jobs to the trades in road building, laying of pipelines, new home and amenity construction and remodeling of the existing structures. Perspective residents and visitors will undoubtedly have need for services of various kinds, groceries, gasoline and those goods and services common to everyday life. The need for these commodities will be a benefit to the coffers of local businesses and families as well as contribute to growth and additional development in the area. The project will be self-reliant and depend on no water or sewer services from the public sector (City of lone).

The developer, Wasatch Associates, has made it clear that they are innovative, considerate thinkers and have taken every step to date to bring the proposal forward by close interaction with Community by virtue of the Planning Team and desires this development be a "win-win" situation with the area. ***As proposed to date, Mountain Springs Ranch will be a plus for the Community in numerous ways, some yet unseen.***


Prepared by: Glen D. Cash, Sr., PLS/President
Intermountain Land Surveyors, PA



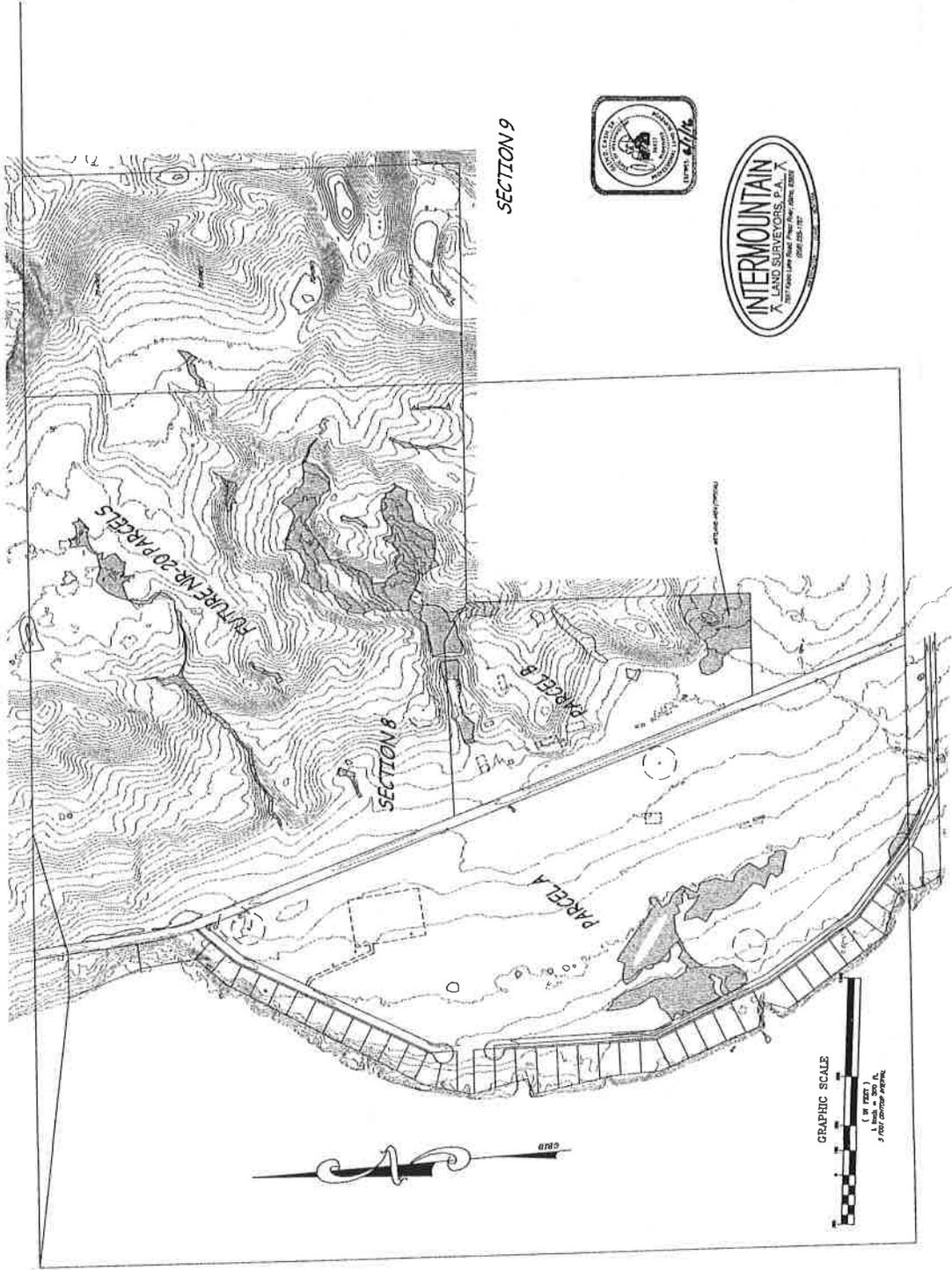


20 ACRE LAYOUT

EXHIBIT C



EXHIBIT C
WETLAND AND TOPO EXHIBIT MOUNTAIN SPRINGS RANCH PORTIONS
OF SECTIONS 8 AND 9, TOWNSHIP 37 NORTH, RANGE 43 EAST, WM
PEND OREILLE COUNTY, WASHINGTON



1

Mountain Springs Ranch
Farm and Timber Income

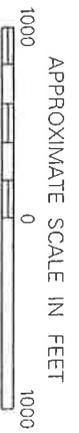
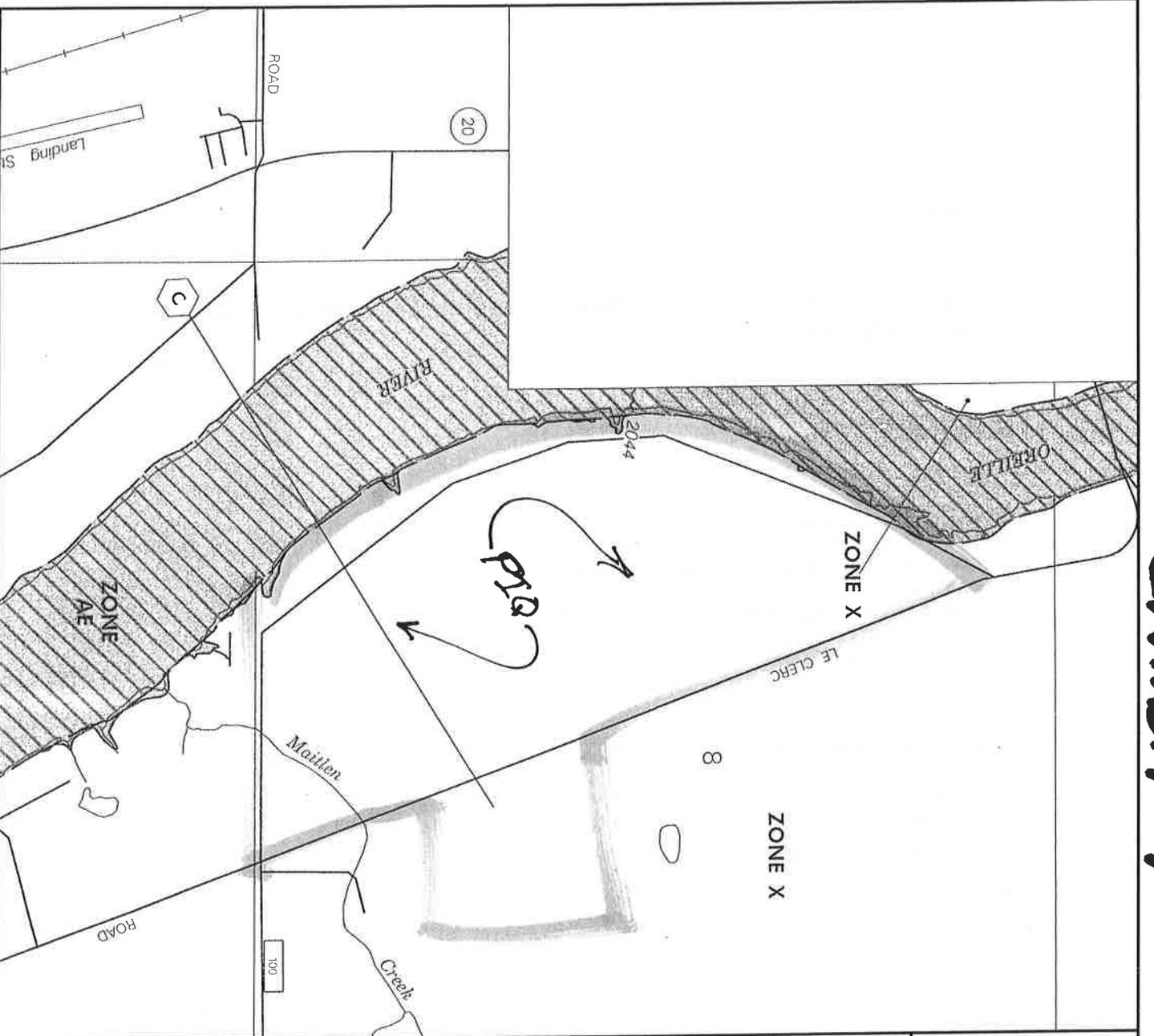
Year	Timber (Net)	Farm (Gross)	Total	Explanation
1985			\$ -	
1986		\$ 6,550	\$ 6,550	Cattle
1987			\$ -	
1988	\$ 24,874		\$ 24,874	
1989			\$ -	
1990			\$ -	
1991			\$ -	
1992		\$ 2,345	\$ 2,345	Hay
1993			\$ -	
1994		\$ 1,486	\$ 1,486	
1995			\$ -	
1996		\$ 970	\$ 970	(3) Cows
1997		\$ 6,500	\$ 6,500	Lease
1998		\$ 4,000	\$ 4,000	Lease
1999		\$ 3,500	\$ 3,500	Lease
2000		\$ 3,500	\$ 3,500	Lease
2001		\$ 3,500	\$ 3,500	Lease
2002		\$ 1,500	\$ 1,500	Lease
2003		\$ 3,000	\$ 3,000	Lease
2004		\$ 3,000	\$ 3,000	Lease
2005		\$ 2,612	\$ 2,612	Lease
2006		\$ 3,000	\$ 3,000	Lease
2007		\$ 3,000	\$ 3,000	Lease
2008	\$ 55,662	\$ 3,000	\$ 58,662	Lease
2009		\$ 3,000	\$ 3,000	Lease
2010		\$ 3,000	\$ 3,000	Lease
2011		\$ 3,000	\$ 3,000	Lease
2012		\$ 3,000	\$ 3,000	Lease
2013		\$ 3,000	\$ 3,000	Lease
2014		\$ 3,000	\$ 3,000	Lease
Total	\$ 80,536	\$ 69,463	\$ 149,999	
Average	\$ 2,685	\$ 2,315	\$ 5,000	

Timber bid \$ 16,750

+ 40,000 (2015)
\$189,999

EXHIBIT E

EXHIBIT F



NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP
 PEND OREILLE COUNTY,
 WASHINGTON AND
 INCORPORATED AREAS

PANEL 335 OF 1000
 (SEE MAP INDEX FOR PANELS NOT PRINTED)

CONTAINS:
 COUNTY: PEND OREILLE COUNTY
 UNINCORPORATED AREAS: 53018 0335 C

MAP NUMBER
 530180335 C
 EFFECTIVE DATE:
 MARCH 4, 2002



Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

MTL SPECIALS DAVID

Mr. Henrie,

Per your request, new calculations for compensating and additional taxes for parcels 433709-20-0001/6574 & 433708-50-0005/6516;

Removal of parcel 433709-20-0001/6574

80+/- Designated Timber Classification; \$9,543.84 ✓

Removal of parcel 433708-50-0005/6516

160.00+/- Designated Timber Classification; \$15,644.43 ✓

184.78+/- Ag & Farm Classification; \$22,419.34 ✓

Total Due as of March 10, 2014 \$47,607.61

To process this removal you will need three checks;

1. \$9,543.84 payable to Pend Oreille County Treasurer (433709-20-0001/6574)
2. \$38,063.77 payable to Pend Oreille County Treasurer (433708-50-0005/6516)
3. \$222.00 payable to Pend Oreille County Auditor

Please contact our office with any questions.

Respectfully,


Sonya Gamalielson
Programs Administrator

*Lisa:
Fed Ex overnight.*

Cc; Mike Lithgow
Mr. Cash

EXHIBIT "G"

~~_____~~

NARRATIVE

11035



PEND OREILLE COUNTY TREASURER
 P O BOX 5080
 625 W 4TH ST
 NEWPORT, WA 99156-5080
 Phone:(509) 447-3612 Fax: (509) 447-0318
<http://pendoreilleco.org/>

RECEIPT NUMBER

377238

DATE

3/7/2014

Paid By: WASATCH ASSOCIATES IIIIV
 1829 S 100 W
 OREM, UT 84058-7489

Property ID	Geo ID	Type	Year	Statement	Base	Pen/Int	Total
6516	433708500005	Property Taxes	2007	193472019	1,972.40	0.00	1,972.40
6516	433708500005	Property Taxes	2008	193472022	1,887.17	0.00	1,887.17
6516	433708500005	Property Taxes	2009	1709820101	1,613.41	0.00	1,613.41
6516	433708500005	Property Taxes	2010	17438	1,429.56	0.00	1,429.56
6516	433708500005	Property Taxes	2011	17434	1,476.69	0.00	1,476.69
6516	433708500005	Property Taxes	2012	17434	1,537.24	0.00	1,537.24
6516	433708500005	Property Taxes	2013	17438	1,675.02	0.00	1,675.02
6516	433708500005	Property Taxes	2014	16434	14,375.73	0.00	14,375.73
6516	433708500005	Property Taxes	2014	16435	311.56	0.00	311.56
		Fee - RbkTaxInt	2007	193472019	1,637.09	0.00	1,637.09
		Fee - RbkTaxInt	2008	193472022	1,339.89	0.00	1,339.89
		Fee - RbkTaxInt	2009	1709820101	951.91	0.00	951.91
		Fee - RbkTaxInt	2010	17438	671.89	0.00	671.89
		Fee - RbkTaxInt	2011	17434	516.84	0.00	516.84
		Fee - RbkTaxInt	2012	17434	353.57	0.00	353.57
		Fee - RbkTaxInt	2013	17438	184.25	0.00	184.25
		Fee - RbkPenalty	2014	16435	3,449.39	0.00	3,449.39
				Subtotal:	35,383.61	0.00	35,383.61

Total: 35,383.61 0.00 35,383.61

Payment Type: Payment
Payment Code: Full Payment

Check 1220 35,383.61
Total Paid : 35,383.61

Operator Batch
 <DBYERS> <3241> - DB 03/10/2014

0 *

35,383.61+
 2,680.16+
 38,063.77*

For Property Tax Information, please visit our website at <http://pendoreilleco.org/>



PEND OREILLE COUNTY TREASURER
 P O BOX 5080
 625 W 4TH ST
 NEWPORT, WA 99156-5080
 Phone:(509) 447-3612 Fax: (509) 447-0318
<http://pendoreilleco.org/>

RECEIPT NUMBER
 377239
DATE
 3/7/2014

Paid By: WASATCH ASSOCIATES IIIIV
 1829 S 100 W
 OREM, UT 84058-7489

Property ID	Geo ID	Type	Year	Statement	Base	Pen/Int	Total
6516	433708500005	Property Taxes	2014	4696	2,634.53	0.00	2,634.53
6516	433708500005	Special Assessments	2014	4696	45.34	0.00	45.34
		Fee - FP FEE	2014	4696	0.29	0.00	0.29
Subtotal:					2,680.16	0.00	2,680.16

Total: 2,680.16 0.00 2,680.16

Payment Type: Payment
Payment Code: Partial Payment

Check 1220 2,680.16
Total Paid : 2,680.16

Operator	Batch
<DBYERS>	<3241> - DB 03/10/2014

For Property Tax Information, please visit our website at: <http://pendoreilleco.org/>

When recorded return to:

**Notice of Removal of Designated Forest Land
and Compensating Tax Calculation
Chapter 84.33 RCW**

Grantor or County: PEND OREILLE COUNTY PEND OREILLE County
Grantee or Property Owner: WASATCH ASSOCIATES
Mailing Address: 1829 S 100 W
City: OREM State: UT Zip: 84058-7439
Property Address: _____
Legal Description: W2NW 9-37-43

Assessor's Parcel/Account Number: 433709-20-0001/6574
Reference Numbers of Documents Assigned or Released: _____
You are hereby notified that the above described property has been removed from designated forest land as of 3/10/2014. The land no longer meets the definition and/or provisions of designated forest land for the following reason(s): PER OWNERS REQUEST

If compensating tax is due, it is payable to the County Treasurer 30 days from the date of this notice. Any amount unpaid on its due date is considered delinquent. From the date of delinquency until paid, interest will be charged at the same rate applied by law to delinquent ad valorem property taxes. The county may begin foreclosure proceedings as provided in RCW 84.64.050 if the compensating tax and interest remain unpaid.

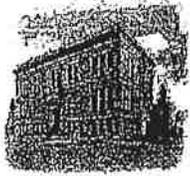
Is removal subject to compensating tax? Yes No

If yes, complete the remainder of this form. If no, complete the following three steps.

1. Calculate amount in #4, calculation of tax for remainder of current year.
2. Reason for exception of compensating tax (see last page of this form for a list of exceptions.) _____
3. Provide a brief explanation on why removal meets the exception listed in question 2. _____

County Assessor or Deputy: [Signature] Date of Notice: 3/6/14
Total Compensating Tax Due: \$9,543.84 Payment Due Date: _____
(See #3 on next page)

80 AC. PCL.
"PARCEL C"



PEND OREILLE COUNTY TREASURER
 P O BOX 5080
 625 W 4TH ST
 NEWPORT, WA 99156-5080
 Phone:(509) 447-3612 Fax: (509) 447-0318
<http://pendoreilleco.org/>

RECEIPT NUMBER

377237

DATE

3/7/2014

Paid By: WASATCH ASSOCIATES IIIIV
 1829 S 100 W
 OREM, UT 84058-7489

Property ID	Geo ID	Type	Year	Statement	Base	Pen/Int	Total
6574	433709200001	Property Taxes	2014	4748	802.99	0.00	802.99
6574	433709200001	Property Taxes	2014	16433	8,714.62	0.00	8,714.62
6574	433709200001	Special Assessments	2014	4748	25.74	0.00	25.74
		Fee - FP FEE	2014	4748	0.49	0.00	0.49
				Subtotal:	9,543.84	0.00	9,543.84
				Total:	9,543.84	0.00	9,543.84

Payment Type: Payment
 Payment Code: Partial Payment

Check 1221 9,543.84
 Total Paid : 9,543.84

Operator: <DBYERS> Batch: <3241> - DB 03/10/2014

For Property Tax Information, please visit our website at: <http://pendoreilleco.org/>

