

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



Mark Personius, AICP
Director

March 14, 2019

Wayne Schwandt
965 Grand Boulevard
Bellingham, WA 98229

RE: Governors Point Long Subdivision, Shoreline Substantial Permit and Development Agreement, LSS2018-00003, SHR2018-00018, SEP2018-00124 and PLN2018-00016 Notice of Additional Requirements (NOAR)

Dear Mr. Schwandt,

This letter is to inform you that the Governors Point project has received a **Notice of Additional Requirements (NOAR)**. The following items must be submitted to the subdivision administrator within 180 days of this letter. If, after 180 days these requirements have not been satisfied your application will be expired.

If circumstances beyond your control (such as needing to wait through a wet season in order to determine adequate soils for septic systems) will prevent you from meeting this time frame you must submit a written request for an extension to the project facilitator prior to the expiration. This request must be accompanied with adequate justification for the granting of an extension. If you have any questions regarding the below items, please contact the division representative.

Please note that PDS is not commenting at this time on the Draft Development Agreement submitted with the application. PDS will require submittal of the following items before addressing the Draft Development Agreement.

The Technical Review Committee (TRC) requires the following items to be completed and submitted in order to obtain Preliminary Approval. The individual memos from staff have been attached. Please also see the attached letter from the Washington State Department of Transportation.

This NOAR shall not preclude the County from requiring additional information or studies at any time during the permit approval process.

Current Planning (Amy Keenan)

1. Submit an updated SEPA checklist consistent with the studies requested in this NOAR.

Shorelines (Andrew Hicks)/Critical Areas – Wetlands and Habitat Conservation Areas (Erin Page)

2. An updated and current Wetland Delineation authored by a qualified wetland biologist from our approved list.

3. Site plan(s) that show the location of all proposed overwater structures, community recreation facilities (restrooms, trails, kayak racks or similar upland storage etc.) roads, driveways, utilities, ordinary high water mark and critical areas.
4. Proposed design of overwater structures.
At the time of submittal fees for review of technical reports will be applied in accordance with the UFS in effect at the time.
5. Archaeology Assessment for the entire project area. The report will be provided to DHAP and affected tribes for a 15 day comment period.
6. Eel grass and Macro Algae delineation that follows the WDFW Eelgrass/Macroalgae Habitat Interim Survey Guidelines
(<http://wdfw.wa.gov/publications/00714/wdfw00714.pdf>)
7. Critical Areas Assessment authored by a qualified biologist from our approved list for the impacts of the proposed upland development and in water working including piers and docks to all in water and nearshore resources listed above. All elements in WCC 16.16.255(A) which includes the alternatives analysis in WCC 16.16.255(H).
8. Forest Ecosystem study to show impacts to the contiguous forest area from the development proposal shall discuss ecosystem function and ecosystem wide process including and not limited to loss of canopy, temperature regulation, nutrient exchange with the marine environment, and species diversity and abundance.
9. If there are community recreation areas and/or community trails or public trails proposed as part of the long plat application then a study will be completed using the uses best available methodology to understand that amount of public use, noise and disruption to any critical areas will occur. Recreation study should include user surveys and sampling from similar public facilities in the area and determine peak times and numbers of users. Should explore potential impacts from public access based on the amount of hours per day and days per week facilities are easily accessible to the public. General maintenance of the facilities and security measures should be assessed and discussed as mitigating factors for any environmental impact public recreational facilities and access may create.
10. Provide a bird survey that focuses on the presence of Heron rookeries, Bald Eagle or Golden Eagle Nests, Pileated Woodpecker, migratory birds, waterfowl and shoreline birds.

Critical Areas – Geologic Hazards (Andy Wiser)

11. Supplemental geotechnical analysis is required for all proposed stormwater disposal and septic drainfield systems located in or adjacent to regulated landslide or erosion hazard areas.
12. Please note: alterations to the proposed lot configuration or a reduced shoreline setback may require supplemental geotechnical analysis.

Health (Sarah Cierebiej)

13. An on-site sewage system (OSS) subdivision application demonstrating adequate soils for all lots must be submitted and approved by WCHD prior to preliminary

approval. All soils approvals for the plat must be located outside of critical areas and their associated buffers.

Public Works (Denise Doezema)

14. Provide a station breakdown with cross-sections of roadway in proposed areas where, due to topography, you cannot meet required road width. Make changes to road turnaround as necessary to meet standards. Additional road redesign may be required to accommodate widened road width where fire hydrants are required, and additional parking if the parking areas shown are to be primary parking for the lots.
15. Show adequate sight distance on Pleasant Bay Road for number of proposed users.
16. Revise Stormwater Site Plan as necessary. A more detailed site plan for each lot, in consultation with a geotechnical engineer, may be required to show that roadway, roof, and lawn dispersion have an adequate slope and flowpath through each lot. The report shall demonstrate that each buildable lot can accommodate the stormwater from up to 4,000 square feet of hard surface, consistent with the current DOE stormwater manual.

The applicant shall fulfill the requirements of the NOAR before submittal to the subdivision administrator and all items shall be submitted at one time with applicable fees.

If you have any questions feel free to contact me at (360) 778-5943 or at the address referenced above.

Sincerely,



Amy Keenan, AICP
Senior Planner

WHATCOM COUNTY

Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9097
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360-778-5901 Fax



Mark Personius, AICP
Director

Notice of Additional Requirements (NOAR)
Memorandum

TO: Amy Keenan, Current Planning

FROM: Ryan Ericson, PDS Supervisor *RE*
Erin Page, Wetlands and Habitat Conservation Areas *ERP*
Andrew Hicks, Shoreline Administrator *AH*

DATE: 03/14/2019

SUBJECT: Notice of Additional Requirements for: Governor's Point Long Plat
Case no: LSS2018-00003, SHR2018-00018, SEP2018-00124

Based on mapping information and received public comment, the following regulated Shoreline Jurisdiction and Critical Areas are documented as potentially occurring in the vicinity and *MAY* be affected as a result of this proposal:

WCC 16.16.600 – Wetlands and Associated Buffers

- Freshwater, Estuarine and Marine Wetlands and associated buffers.

WCC 16.16.710(C) (3) and (4) - Washington Department of Fish and Wildlife Priority Species or Habitat Areas (WDFW PHS)

- Marine nearshore habitat and associated vegetation marine riparian zone
- Chuckanut Wildlife Corridor
- Dungeness Crab
- Biodiversity Areas and Corridor
- Pileated Woodpecker habitat
- Hardshell Clam
- Old Growth – Mature Forest
- Great Blue Heron Rookery and associated buffer

WCC 16.16.710(C)(6) - Critical Saltwater Habitats

- Kelp and eelgrass beds
- Spawning and holding areas for forage fish, such as Pacific herring, surf smelt and Pacific sandlance
- Subsistence commercial shellfish beds
- Recreational shellfish beds
- Intertidal habitats with vascular plants
- Areas with which priority species have a primary association

WCC 16.16.710(C)(2) – Federally Protected Species and Critical habitats

- Marbled Murrelet
- Streaked Horned Lark
- Yellow-billed Cuckoo
- Bull Trout and associated critical habitat

- Dolly Varden
- Bald Eagle Nesting areas
- Several species of migratory birds
- Salmon – Steelhead, Chinook, Coho, Pink
- Puget Sound/Georgia Basin Yelloweye Rockfish, Canary Rockfish and Bocaccio (Marine and Nearshore)
- Puget Sound/Georgia Basin DPS ESA Bocaccio Critical Habitat (Marine and Nearshore)
- Killer Whale (Orca)

Title 23 Shoreline Master Program

- Archaeology
- Marine nearshore habitat and associated vegetation marine riparian zone
- Critical Saltwater habitat
- Community Recreation
- Ordinary Highwater Mark determination

Submitted application materials state that the applicant is proposing 18 lots with new driveways, access and utilities, public access to eastern peninsula with a public/community restroom and boat launch facilities, mooring buoys and at least new docks for marine water access. The proposed overstructures are not shown on the site plan.

Please submit the following for review:

- An updated and current Wetland Delineation authored by a qualified wetland biologist from our approved list.
- Site plan(s) that show the location of all proposed overwater structures, community recreation facilities (restrooms, trails, kayak racks or similar upland storage etc.) roads, driveways, utilities, ordinary high water mark and critical areas.
- Proposed design of overwater structures.
- At the time of submittal fees for review of technical reports will be applied in accordance with the UFS in effect at the time.
- Archaeology Assessment for the entire project area. The report will be provided to DHAP and affected tribes for a 15 day comment period.
- Eel grass and Macro Algae delineation that follows the WDFW Eelgrass/Macroalgae Habitat Interim Survey Guidelines (<http://wdfw.wa.gov/publications/00714/wdfw00714.pdf>)
- Critical Areas Assessment authored by a qualified biologist from our approved list for the impacts of the proposed upland development and in water working including piers and docks to all in water and nearshore resources listed above. All elements in WCC 16.16.255(A) which includes the alternatives analysis in WCC 16.16.255(H).
- Forest Ecosystem – Impacts to the contiguous forest area from the development proposal shall discuss ecosystem function and ecosystem wide process including and not limited to loss of canopy, temperature regulation, nutrient exchange with the marine environment, and species diversity and abundance.
- Recreation study – If there are community recreation areas and/or community trails or public trails proposed as part of the long plat application then a study will be completed using the uses best available methodology to understand that amount of public use, noise and disruption to any critical areas will occur. Recreation study should include user surveys and sampling from similar public facilities in the area and determine peak times and numbers of users. Should explore potential impacts from public access based on the amount of hours per day and days per week facilities are easily accessible to the public. General maintenance of the facilities and security measures should be assessed and discussed as mitigating factors for any environmental impact public recreational facilities and access may create.
- Bird Survey - that focuses on the presence of Heron rookeries, Bald Eagle or Golden Eagle Nests, Pileated Woodpecker, migratory birds, waterfowl and shoreline birds.



Memorandum – Geologic Hazards Review

TO: Ms. Amy Keenan
FROM: Mr. Andy Wiser, L.E.G.
DATE: March 6, 2019
SUBJECT: LSS2018-00003 – Governor's Point

The subject parcels associated with the proposed long plat application contain regulated landslide and erosion hazard areas in accordance with Whatcom County Code (WCC) 16.16.310. Hazard areas are primarily located along the southwestern perimeter of Governor's Point, but may also be present along the existing road alignment and may be impacted if road widening is required. Development activity in or adjacent to a regulated landslide hazard area is subject to the development standards of WCC 16.16.320, 16.16.325, 16.16.330, and 16.16.335.

The long plat application materials included the *Geotechnical Assessment Report* prepared by Associated Earth Sciences, Inc. (AESI), dated October 29, 2018. The assessment included a general summary of pertinent geologic hazards posed to the proposed lots, and concluded that long plat was configured appropriately to safely allow development utilizing conventional geologic hazard mitigation measures such as building and shoreline setbacks, geotechnical foundation engineer, construction best management practices and erosion and sediment control measures.

The assessment prepared by AESI provides an excellent overview of site geology, hydrogeology, and potential hazards, but does not appear to have included review of stormwater disposal facilities associated with road improvements or the siting of septic drain fields. Furthermore, design of stormwater disposal systems at each proposed parcel will be required to show compliance with the 2012 Stormwater Management Manual for Western Washington for an assumed minimum impervious surface area. Given the complex shoreline configuration it appears feasible to develop a coordinated stormwater disposal plan to route stormwater to portions of the long plat that exhibit appropriate grade, soils, and setbacks to allow for infiltration or dispersion. A similar approach should be used to evaluate and design stormwater disposal generated from the access road. This approach is encouraged, if supported by geotechnical analysis, as a means to minimize shoreline impacts by reducing, or possibly eliminating, the need for residential stormwater outfalls extending to the toe of this pristine shoreline bluff.

Additional geotechnical analysis may also be warranted if reduced shoreline setbacks are pursued for the proposed long plat. As recommended by AESI, 'active landslide hazard areas will require further site-specific technical evaluation to develop adequate mitigation.' A site visit was conducted on March 4, 2019, which confirmed that suitable lot depth is present at each proposed lot to allow safe development utilizing building setbacks from steep slopes. However, evidence of potentially unstable bedrock slopes subject to failure on

weathering, jointing and bedding discontinuities was also noted and have not been adequately assessed to approve reduced setbacks from geologically hazardous areas. As presently proposed a plat note will be required stating that supplemental geologic hazard assessment may be required at the time of the building permit submittal.

For these reasons the following additional requirements are needed to continue review of the proposed long plat:

1. Supplemental geotechnical analysis is required for all proposed stormwater disposal and septic drainfield systems located in or adjacent to regulated landslide or erosion hazard areas.
2. Alterations to the proposed lot configuration or a reduced shoreline setback may require supplemental geotechnical analysis.



Memorandum

To: Amy Keenan
Planning & Development Services

From: Sarah Cierebiej
Whatcom County Health Department

Date: March 12, 2019

RE: SSS2018-00003 (PRE2018-00016)
Governors Point LSS
Parcel Numbers: 370236145506; 370225122040; 370225085132;
380225115201; 370225093208; 370225095189; 370225058223;
370225018180; 370225172225; 370225002162; 370226486305;
370226531156
NOAR for Preliminary Approval

The Whatcom County Health Department (WCHD) has reviewed the proposed project referenced above in accordance with WCC 24.05 On- Site Sewage Regulations, WCC 24.11 Drinking Water, and WCC 21.05 Long Subdivisions. The applicant is proposing a long subdivision with on-site sewage systems (OSS) and water service from City of Bellingham.

Water Supply

The applicant has provided documentation that the City of Bellingham will provide wholesale water for the project.

Prior to final approval, the applicant will be required to provide water system design approval from the Washington State Department of Health and all water system infrastructure must be installed.

Sewage Disposal

An on-site sewage system (OSS) subdivision application demonstrating adequate soils for all lots must be submitted and approved by WCHD prior to preliminary approval. All soils approvals for the plat must be located outside of critical areas and their associated buffers.





TECHNICAL REVIEW COMMITTEE MEMORANDUM

TO: Amy Keenan, Planner
FROM: Denise Doezema, Engineer
DATE: March 11, 2019
RE: LSS2018-00003 Governor's Point BLA & LSS
Engineering Services Notice of Additional Requirements

A handwritten signature in black ink, appearing to read "Denise Doezema", followed by a vertical line.

Engineering Services has reviewed the preliminary plat submittal for the Governor's Point Plat, in coordination with the Fire Marshall's Office for road requirements, and the Planning Department for stormwater requirements. Below are comments on the submitted documents and additional requirements that must be submitted prior to issuance of the Preliminary Long Plat approval.

1. Per Whatcom County Development Standards, the minimum width of the proposed private road, from Pleasant Bay Road to lot 6 on Road A and to lot 12 on Road B, is 26 feet of gravel. From lot 6 to lot 2 on Road A and lot 12 to lot 16 on Road B the minimum required width is 18 feet of gravel. The final two lots on both roads may be reached by a 12-foot-wide driveway, but only if the road turnaround is located at the end of the 18-foot-wide road section. If the turnaround is proposed to be located at the farthest lot, the larger 18-foot-wide road section is required to extend all the way to the turnaround. Road turnaround legs must be 60' long. The maximum grade of each turnaround leg is 10%.

The proposed road widths on the Governors Point Long Plat Road and Utilities Schematic (Cascade Engineering Group, 11/2/2018) vary from 18 feet with no shoulder to 20 feet with shoulder. The Public Works department and Fire Marshall's Office may be able to approve a reduced width in limited areas where topography constrains the road.

Additional Requirement: Provide a station breakdown with cross-sections of roadway in proposed areas where, due to topography, you cannot meet required road width. Make changes to road turnaround as necessary to meet standards. Additional road redesign may be required to accommodate widened road width where fire hydrants are required, and additional parking if the parking areas shown are to be primary parking for the lots.

2. The Engineer has used the Low Volume Approach (LVA) design for sight distance at the intersection with Pleasant Bay Road, however, the ADT of the approach leg must be 160 (16 single family users) or less to use LVA. The proposed road will have 170 ADT with the existing house and 16 additional SFRs.

Additional Requirement: Show adequate sight distance on Pleasant Bay Road for number of proposed users.

3. A stormwater site plan has been submitted (Cascade Engineering Group, 11/2018). Additional information will be required to ensure that all design requirements of the proposed method of on-site stormwater management, BMP T5.30 Full Dispersion, are feasible with the steep slopes and small lot sizes that have been proposed.

Additional Requirement: Revise Stormwater Site Plan as necessary. A more detailed site plan for each lot, in consultation with a geotechnical engineer, may be required to show that roadway, roof, and lawn dispersion have an adequate slope and flowpath through each lot. The report shall demonstrate that each buildable lot can accommodate the stormwater from up to 4,000 square feet of hard surface, consistent with the current DOE stormwater manual.

Please feel free to contact me at 360.778.6213 with any questions.



Northwest Region/Mount Baker Area
Skagit, Island, San Juan, &
Whatcom Counties
1019 Andis Road
Burlington, WA 98233-3415
360-757-5999
TTY: 1-800-833-6388
www.wsdot.wa.gov

February 27, 2019

Amy Keenan – Senior Planner
5280 Northwest Drive
Bellingham, WA 98226-9097

SUBJECT: Review LSS2018-00003 Governors Point Preliminary Long Subdivision

Dear Ms. Keenan,

Thank you for including WSDOT as part of this review.

I have reviewed the documents that I have in hand associated with this application. I am aware that this proposal is in the preliminary stages; as the application process progresses WSDOT will need to review a traffic study to evaluate the future impact of this project and determine whether any mitigation will be needed for the likely traffic impact at SR 11.

We appreciate your great communication, and look forward to working with you as this project proceeds.

If you have any questions, please feel free to contact me at **360-757-5964** or johnsju@wsdot.wa.gov.

Best regards,

A handwritten signature in blue ink that reads 'Judy Johnson'.

Judy Johnson, Development Services and Access Management
WSDOT/Northwest Region
Mount Baker Area Development Services

Cc: Craig Ostrom, Roland Storme