

January 25, 2020 Response to NOAR 3
Embedded Comments as Annotated Table of Contents

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

December 5, 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 respond separately to the Developers 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 contact Mitch Nolze at the South Whatcom Fire Authority.

Mitch Nolze contacted, with this 12/23/19 email response: "In follow-up, I spoke with Amy and Will Anderson (Fire Marshal's Office) and there is nothing specific from us that we will require. We will support the Fire Marshal's and Public Works requirements regarding access and fire flow."

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, if necessary.

See updated SEPA checklist in Appendix A.

Responses embedded in individual memos attached to this letter.

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Mark Personius, AICP
Director

3rd

Notice of Additional Requirements (NOAR) Memorandum

TO: Amy Keenan, Current Planning
FROM: Erin Page, Wetlands and Habitat Conservation Areas
Andrew Hicks, Shorelines Ryan Ericson, PDS Supervisor
DATE: December 5, 2019
SUBJECT: 3rd Notice of Additional Requirements for: Governor's Point Long Plat Case no:
LSS2018-00003, SEP2018-00124, SHR2018-00018

In response to a NOAR dated 8/14/2019, the following was submitted for review on October 28, 2019:

- "Preliminary Plat Map Application" Site plans, sheets 1-6 (Jepson and Assoc., 10/21/2019)
- Revised Project Narrative (No author, cover dated 10/25/2019)
- Habitat Management Plan (Cantrell and Associates, cover dated 10/24/2019)
- Technical Memorandum – "Steep Slope Setbacks" (Associated Earth Sciences Inc., 10/11/2019)
- Road and Utilities Site plans (Cascade Engineering Group, cover dated 9/17/2019)
- Memorandum – Roadside Safety Evaluation (Cascade Engineering Group, 10/25/2019)
- "Response to County's NOAR Stormwater Comments" (No author, 10/23/2019)
- "Geotechnical Assessment Report" (Associated Earth Sciences, Inc., 10/29/2018)
- "Wetland and Habitat Conservation Areas Assessment" (Cantrell and Associates, cover dated *revised* August 23, 2019, submitted to WCPDS on 12/2/2019).

Discussion

The documents submitted 10/28/2019 are not a complete submittal of what was requested in the previous CAO NOAR dated 8/14/2019. The following items were not included:

Staff reviews of 10/28/2019 2nd NOAR submittals:

- The site plans for each lot exceeds the amount of impact stated for no net loss in the Habitat Assessment Plan.

Individual residential site plans have been created and updated to reflect NOAR3 comments, Attachment B. See also Attachments D, F and G.

- An eelgrass survey was not submitted. If the applicant does not wish to do eelgrass surveys under the plat and developers agreement, then the dock shall be removed from the long plat proposal (a separate dock permit may be applied for in the future).

See January 6, 2020 Eelgrass Survey (Fairbanks) and January 24, 2020 Marine Nearshore and Shoreline Habitat Memo (Fairbanks), Attachment C.

Sheet 5 of 6 shows construction areas within the shoreline buffer

Sheet 5 of 6 of the Governors Point Long Plat Application has been updated to remove potential lot impact areas from within the shoreline buffer. See Attachment D.

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- The Habitat Assessment Plan states (page 12) that no mature forest is present on the peninsula. No information is provided to support this statement, including the methodology used to support this statement. Information should be provided which proves that no forested area on the peninsula is 80 years old or older. This could include core samples, logging documents or sampling methods from a replicable peer approved study.

Information supporting the conclusion that no mature or old-growth forest is present on the peninsula is included in the Revised January 25, 2020 Wetland and Habitat Conservation Area Assessment (Cantrell and Fairbanks), Attachment E.

- The following critical areas Habitat Conservation Areas have not been adequately addressed in impact and no net loss submittals:

- o Marine nearshore habitat (below OHWM)
- o Vegetation marine riparian zone
- o Chuckanut Wildlife Corridor
- o Hardshell Clam
- o Kelp and eelgrass beds
- o Intertidal habitats with vascular plants
- o Areas with which priority species have a primary association
 - Marbled Murrelet

These critical area habitats have been more thoroughly discussed in the Revised January 25, 2020 Wetland and Habitat Conservation Area Assessment (Cantrell and Fairbanks), Attachment E; the Revised January 25, 2020 Habitat Conservation Areas No Net Loss Assessment (Cantrell and Fairbanks), Attachment F; the Revised January 25, 2020 Habitat Management Plan (Cantrell and Fairbanks), Attachment G; and the January 6, 2020 Eelgrass Survey (Fairbanks) and January 24, 2020 Marine Nearshore and Shoreline Habitat Memo (Fairbanks), Attachment C.

Based on the most recent submittals, **in addition to the above**, the following is required for submittal for review:

1. The 10/28/2019 Habitat Management Plan needs to Habitat Management Plan (HMP) and the revised Habitat Areas Assessment (8/23/2019 cover date, submitted 12/2/2019) shall be revised to address the following:

- a. The Chuckanut Wildlife Corridor
See Attachments D, E, F and G
- b. Marine nearshore
See Attachment C
- c. Removal of any significant trees (8" DBH coniferous and 12" deciduous) should be replanted along with the mature trees (equal to or greater than 21" DBH)
See Attachment G
- d. Page 6 of the HMP states that "clearing of the lots will not exceed 31% impact" (temporary). This contradicts submitted site plans for an individual lot which shows up to 48% impact on an individual lot. Per meeting with applicant on 12/3/2019, permanent impacts shall not exceed 12% on lots over an acre, and 15% on lots under an acre.
See Attachments F and G
- e. Submit methodology for the determination of absence of mature or old growth forest. If after this data is submitted and the county agrees with this no presence determination, then the previous determination to show mature forest on the plat will not be required.
See Attachment E
- f. The tables presented in the no net loss document (page 10) cover dated July 8, 2019 and submitted 7/10/2019 shall be consistent with all management recommendations in the Habitat Management Plan submitted 10/25/2019, with respect to water quality maintenance and sediment control (TSS, Nitrogen, sediment, phosphorus), LWD, hydrology and slope stability.
See Attachments E, F and G

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- g. Remove statement page 7 stating no impact will occur to intertidal or marine habitat from dock, as no studies have been done to reflect impacts from proposed dock.
See Attachment C
 - h. The HMP should be updated to reflect all types of development, not just roads (page 4)
See Attachment G
 - i. Submit revised wetland rating forms
See Attachment E
2. Stormwater and septic infrastructure locations and treatment options shall meet the setback and water quality requirements laid out in the Cantrell No Net Loss report
See Attachments B, F, and G
3. Site plans shall be revised to address the following:
- a. Dock removal if no eelgrass survey will be performed during plat and development agreement review.
See Attachment C.
 - b. The OHWM shall be surveyed and all critical areas shall be shown with respect to topography at 2 foot intervals to ensure that the building setback of 45 and 75 feet does not encroach into herbaceous balds. Staking of the setback in the field for inspection will satisfy this requirement but the OHWM must be marked by a qualified biologist and surveyed prior to preliminary approval as it has to be accurately shown on the plat map.
For Preliminary Plat Approval, surveyed establishment of OWM on Tract B has been provided. A protocol for establishing OWM for remainder of the Project was established as a combination of identified physical indicators where possible to coordinate with MHHW as determined by Lidar.
- See Attachments C and D**
- c. No construction or disturbance shall be allowed or shown within HCA's or buffer areas.
 - d. Wetland D should be surveyed and its boundaries and buffer shown on site plans to determine if any road widening activities will affect the buffer of the wetland. The submitted wetland delineation (12/2/2019 submittal) states that the wetland boundary was not surveyed because it was not forecasted to have impacts.
Wetland D was surveyed. See Attachments E, F and G.



Regina A. Delahunt
Director

Greg Stern, M.D.
Health Officer

WATCOM COUNTY
Health Department

Leading the community in promoting health and preventing disease.

Memorandum

To: Amy Keenan
Planning & Development Services

From: Sarah Cierebiej
Whatcom County Health Department

Date: November 27, 2019

RE: LSS2018-00003 (PRE2018-00016)
Governors Point LSS
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.

Sewage Disposal

The applicant has an on-site sewage system (OSS) subdivision application demonstrating adequate soils approved by WCHD.

The on-site sewage system locations on lots 4, 7, 8, 11 and 15 on the preliminary plat site plan do not match the location of the approved soils logs. The applicant has stated that for those lots that need off site on-site sewage systems due to site constraints, Tract A will be designated as an easement. The applicant is required to show which lots will be using Tract A for on-site sewage systems and show any easements needs to access Tract A.

The site plan and Plat show the installation of utility conduits at each lot across the road to Tract A to be used in the event an OSS drainfield on Tract A is needed for any lot.

See Attachment D.

The preliminary plat site plan appears to show adequate separation between stormwater infrastructure and on-site sewage system. If stormwater infrastructure moves, the applicant may be required to show required setbacks to on-site sewage systems.

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Water Supply

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

The applicant must show water line utility easements on the long plat application site plan. If drinking water storage is required, the applicant must show the location and easements on the long plat application site plan.

All utility easements are provided for in the Road and Utility easements as well as the general easement for utility access on Tract A.

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.

The applicant states in the SEPA checklist that there will be no groundwater withdrawal. The applicant must provide evidence of well decommissioning to WCHD prior to final plat approval.

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PUBLIC WORKS DEPARTMENT
Jon Hutchings
DIRECTOR



ENGINEERING SERVICES JOSEPH P. RUTAN,
P.E.
County Engineer/Assistant Director
5280 Northwest Dr.
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Phone: 360.778.6220
Fax: 360.778.6221

MEMORANDUM

TO: Amy Keenan, Planning and Development Services (PDS)
FROM: Sanja Barisic on behalf of Laura Vandervort, Public Works Engineering Services (PWES)
DATE: November 25, 2019
RE: Governors Point Preliminary Long Plat, LSS2018-00003
Response to NOAR 2 Submittal (NOAR 3)

Determination

Engineering Services has reviewed the submitted response to the second notice of additional requirements for the Governors Point Preliminary Plat. The following additional requirements (NOAR3) need to be addressed prior to the Preliminary Plat approval and the Hearing:

Staff Analysis

1. Provide horizontal curve information for proposed road alignments. Horizontal curves shall meet Whatcom County Development Standard's minimum radius curvature per Roadway Alignment (Section 505. 1. 3. Horizontal Curves) for Local Access Road, Table 7.

This information was provided in the plans. More than ten of the curves are less than the minimum radius per County standards. Provide Low Volume Road Design option at these locations. (Ref. WC Development Standards, Ch. 5, DWG 505. I-1)

See Attachments D, I and J

2. Evaluate whether guardrail, or other traffic barrier, is warranted. See WSDOT Design Manual for Traffic Barriers.

The design engineer has justified a preliminary plan for the site to include reflective sign posts in areas as warranted. This has been adequately addressed at this time. PWES will review the design at critical slope areas at final civil plans design stage, and may require barrier.

3. The stormwater memo and latest stormwater site plan has been reviewed (Cascade Engineering Group, July 9, 2019 Revision). Additional

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information is required at this time to ensure that proposed on-site stormwater management practices are feasible given the development's terrain restrictions and setback requirements. Submit plans indicating the preliminary layout for each lot including house footprint, driveway, stormwater treatment facility and septic drain fields delineated, and shoreline setback. If storm dispersion is the proposed treatment BMP show the 100' flow path. Include contours and directional flow arrows, slopes.

See Attachment B

The plans and report shall demonstrate that each buildable lot can accommodate the stormwater from up to 4,000 square feet of hard surface, consistent with the DOE stormwater manual.

See Attachment B

Provide geotechnical support for the proposed stormwater drainage BMPs and given locations.

See NOAR2 Response Submittal Attachment 4.

The engineer has provided several methods for on-site storm treatment and conveyance: CAVFs, typical vegetated filter strips, or a manufactured treatment device. They have noted that pumping may be required to achieve the required flow path for dispersion. Both CAVFs and typical vegetated filter strips have constraints relative to contributing driveway area slope (9.4%, and 5.4% respectively). Specific constraints shall be listed in the final design report and engineer shall continue to provide possible methods of treatment for lots at time of final plat and civil plans. Provide an impervious area assumption for each lot, the example provided for a plan for 5,300sf on Lot 16.

See Attachments B, F and G

Address a question for pumping and what will occur in the event of a power failure?
Each homesite will be provided with an emergency stand-by generator.

Further discussion will be needed with Geo Staff and CA Staff upon NOAR 3 submittal.

4. How will CAVFs be protected from vehicle traffic? Include proposed methods.

Consultant has proposed the future HOA will maintain the CAVFs in lieu of protecting them from vehicle traffic. PWES will need to see this addressed in the CC&Rs for the subdivision. Sufficient for the Preliminary Plat approval.

5. Provide downstream analysis for the stormwater discharging to the Pleasant Bay Road ditch and beyond to Pleasant Bay.

Downstream analysis was provided, however not sufficiently addressed. Consultant to provide an exhibit for the area in question to accompany narrative. Address capacity and condition of the downstream culvert and ditch.

See Attachment H.

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6. Provide design overview for proposed energy dissipation for the concentrated flows that will outfall from culverts under the roads.

A preliminary design option for energy dissipation was provided. This will be reviewed further at final design.

Additional questions or conditions may apply at the time of all NOAR are addressed and submitted. Possible meeting with Consulting Engineer and County Staff may be scheduled to address potential concerns or questions.

If you have any questions, please contact Laura at LVanderV@co.whatcom.wa.us or (360)778-6307.

Thank you.