



July 8, 2019

Mr. Doug Ranney, P.E.
Whatcom County Department of Public Works
Northwest Annex
5280 Northwest Drive
Bellingham, WA 98226

Received

JUL 10 2019

Whatcom County PDS

Subject: Governors Point
 Request for Private Road
 Request for Variance from Development Standards
 NOAR LSS2018-0003

Dear Doug:

This letter is sent to request that the roadway proposed to serve the Governors Point project be private, and that modifications be approved related to this roadway.

As you are aware, the Governors Point project aims to have as minimal an impact footprint possible. It is for this reason that a dedication of nearly 100-acres of the forested peninsula to the Whatcom Land Trust is being made (the Nature Reserve). The access road will serve one existing and sixteen new residential lots, and two non-building (and non-traffic generating) parcels. Because the access road will traverse the Nature Reserve, it is desired to make the roadway corridor as minimal as necessary to maintain the natural beauty and function of the surrounding forest. At the same time, the topography and geology make constructing a road that is wider than necessary difficult. If public, the proposed access road qualifies as a "Rural – Minor Access" Road as it will have an Average Daily Trip (ADT) count of less than 160. Standards for this type of road are defined in Table 2 of Section 505 of the Whatcom County Road Standards. It is proposed that this access road be privately owned and maintained, with corresponding standards found in Section 505.E of the Whatcom County Road Standards. The standards for the roadway, whether public or private, are similar.

Three requests are being made. These include: 1) Authorization of Governors Point Road to be private, as it is now; 2) Variance from the Road Standards (Private) to allow a 20-foot road width – shoulders included; and 3) that the easement containing the roadway be reduced to 40-feet.

1. Request for Authorization of Private Road

Whatcom County Road Standards Section 505.E allow private roads provided five criteria are met. These criteria, together with justification of how they are met, are outlined as follows:

- a) *Covenants have been approved and recorded with the County which provide for maintenance of the private roadways and associated parking areas by the owners in the development, including placing of liens for non-payment of fees, and/or road maintenance agreement(s) on the face of the Long Plat, Short Plat, or Binding Site Plan.*

Draft Covenants, Conditions and Restrictions (CC&Rs) include language to accommodate this condition.

- b) *Provision is made for the roadways to be open at all times for emergency and public service vehicle use*

It is proposed that the roadway be gated. Access to the gate controls will be provided to the satisfaction of Emergency Services providers.

- c) *The private road is not needed as a public road and will not obstruct public street circulation.*

The road will gain access from Pleasant Bay Road, with access designed to have no circulation effect on existing roads. There is no reason for the road ever to become public as it cannot be extended to serve any other areas.

- d) *Intersection spacing between private roads shall be consistent with the spacing shown in Section 505.M.*

Access will be gained from the existing access point, which has been in place for several decades. Spacing is consistent with Section 505.M.

- e) *The roads are within a private community with a corporate identity, Homeowners Association, Common Interest Community, or similar, as identified by the State of Washington.*

A Homeowners Association is being created for the development and will include provisions for road maintenance.

2. Request for Variance from Road Standards

Whatcom County Road Standards Section 504.F allows for an administrative variance procedure, allowing for modification to the published road standards. As the Technical Administrator, you may allow this modification provided the five criteria listed below are met, and so long as the minimum performance requirements are maintained.

Two specific modification requests are being made. The first is to allow for a narrower private road than is otherwise required by the Development Standards. The second is to allow for a narrower easement for this road. Note that the Development Standards citation listed below assume that the request for a private road is also granted. Should the private road request not be granted, then the modification requests would continue to be sought, with the Standards citations being for a public road. Upon review, the variance criteria appear to be the same, and the analysis provided would be unchanged.

The access road to and through the site will traverse a large, forested open space area that is being dedicated for the ultimate enjoyment of the public as a forested, marine access Nature Reserve. The primary reason for the modification requests is to protect the serenity of the Nature Reserve, minimizing the impact of the roadway to the extent possible to not detract from the peace and tranquility that the dedication area will provide.

This request is made to allow a reduction in road width from 26-feet (shoulders inclusive), to 20-feet (18-foot traveled way, 1-foot shoulder), and to reduce the required 60-foot roadway easement width to 40-feet in width. The roadway reduction will be made to reduce otherwise required cuts and fills, and removal of significant trees. Much of the property has steep topography and is underlain by rock. In areas, the cuts and fills needed to accommodate the full standard width road would possibly require blasting to remove rock, and tree removal to a safe distance beyond the potential cut areas, all of which is counter to the intended minimalization of impact to the surrounding Nature Reserve. Important to note is that when designing the proposed access road, care has been taken to assure adequate emergency vehicle access. As such, grades will be no greater than 12% for the roadway serving residential lots. Access to the non-residential lot on Pleasant Bay will not exceed 15% and will be paved. Widened pullouts have

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been provided at hydrant locations to assist emergency response vehicles. It is further proposed that there will be no parking allowed along the length of the road, unless widened parking pullouts are created specifically for this purpose and are appropriately signed.

The modifications are requested specifically to Section 505.E.2 for a rural private road, which in turn refers to Standard Drawing 505.E-1. The drawing indicates a roadway width of 26-feet for roads (shoulders inclusive) with an ADT of between 61 and 120. The Traffic Impact Analysis prepared by Gibson Traffic Consultants shows an ADT within this range. It is proposed to reduce the 26-foot width requirement to 20-feet to maintain the minimum roadway footprint as desired. Where sufficient existing roadbed allows, or where the wider width does not require unduly grading or tree removal, the full 26-foot width may be provided. Accompanying this request is a draft set of design drawings indicating the stationing where various road widths are proposed. An easement width reduction is also requested as the full 60-feet is unnecessary and restricting this will further encourage conservation.

Following are the four Variance Approval Criteria as outlined in Section 504.F of the Whatcom County Road Standards, together with our response on how the project meets these criteria:

- a) *The resulting Variance provides an equivalent outcome, conforming to the minimum performance requirements, and the objectives of safety, function, environmental protection, and facility maintenance are fully met, based upon sound engineering principles; and*

The setting for this road improvement will be through a dedicated area, in a serene setting. Speed will be posted, and limited to 20-mph. Care has been taken to evaluate the roadway alignment, with attention given to sight distance and opportunity for pull-outs if necessary. The reduction to a 20-foot roadway (shoulders inclusive) will provide for the ability of cars to pass, including emergency services vehicles. This has been specifically discussed with the Whatcom County Fire Marshal's office, who has indicated that the proposal is acceptable provided widened pull-outs are provided at hydrant locations and staging areas at lots, and full turnarounds are provided that meet standards. The minimalization of this roadway will have a great benefit to the public that uses the Nature Reserve in the future. While not a part of this proposal, it is anticipated and expected that the Nature Reserve will be developed into a public access park, for pedestrian traffic on trails. No public vehicles will be allowed and is a condition of the dedication of the nearly 100-acres to the Whatcom Land Trust. The inclusion of a Homeowners Association will assure that maintenance is provided for all the roadways in the event

repairs are necessary. It is our opinion that the balance of access, safety and protection of the surrounding environment demonstrates that sound engineering principles have been followed, and that this criterion has been met.

- b) there are special physical circumstances or conditions affecting the property such that the strict application of these provisions would deprive the applicant of all reasonable use of the parcel of land in question and every effort to find creative ways to meet the intent of the minimum performance requirements have been made; and*

In this case, two parties exist for which the reasonable use criterion should consider. First, the future homeowners within the development will choose to locate to this site for unique reasons. The site is secluded, in a natural setting. It is intended that homes and other ancillary improvements be built to blend into the surrounding forest area, with the roadway being the most visible of these ancillary improvements. Creating a road that is wider than necessary will detract from the concept of minimalization, and therefore create a circumstance in opposition to what is intended for the development. Second, the future users of the Nature Reserve will be visiting and hiking through the site for the purpose of enjoyment of the natural environment. A road that is wider than what is necessary, including scars resulting from otherwise unnecessary cuts/fills and tree removal will detract from this experience in an unreasonable way. Care has been taken to provide for the performance requirements of the roadway with the approved modification. A reduced posted speed, pullouts provided should sight distance be limited, and maintenance of the ability for vehicles to pass in all locations assures that the roadway performs as necessary. We believe that this criterion is met.

- c. the granting of the variance will not be detrimental to the public health and welfare, nor injurious to other properties in the vicinity; and*

The requested modifications will affect only the users of the private road, and that effect will be negligible. The modifications will not impact public health or welfare and will have no impact to other properties in the vicinity. We believe this criterion is met.

- d. the variance is the least possible exception that could be granted to comply with the intent of the minimum performance requirements.*

It is our belief that this modification is the least that may be granted to comply with the intent of the minimum performance requirements. These requirements refer to the function of the road to those using it, and the ability of emergency services providers to safely navigate the roadway. As mentioned above, provisions have been made to accommodate emergency services providers through placement of widened pullouts for staging. These locations were specifically placed in areas that do not require the width modification. Rather, the areas affected by the granting of this modification are only in those areas that vehicles are simply traversing the property. The requested modification will simply not apply to those areas being developed as staging or turn-around locations, further assuring the minimum performance requirements are maintained. We believe this criterion is met.

Thank you for your consideration of these requests. If you have any questions, or require any additional information, please contact our office at your convenience. We look forward to your response.

Sincerely,
CASCADE ENGINEERING GROUP, P.S., INC.



Craig R. Parkinson, P.E.
Principal Engineer

cc: Ms. Laura Vandervort, P.E., Whatcom County
Mr. Randy Bishop, Governors Point Land LP
Mr. Wayne Schwandt, Rimland Pacific