

Preliminary Long Subdivision and Shoreline Substantial Development Permit  
Applications

**GOVERNORS POINT PROJECT NARRATIVE**

December 31, 2018

October 25, 2019 *Modified in response to ROAR dated August 14, 2019*

**Overview**

This Governors Point Project Narrative (Narrative) is designed to provide the reviewer with a contextual overview within which the information submitted to support the Applications can be viewed and analyzed. The Preliminary Long Subdivision Application form and its exhibits are appended to this Narrative as Attachment A. The Shoreline Substantial Development Permit Application and its exhibits are appended to this Narrative as Attachment B.

The Governors Point Project (Project) is being developed by Randy Bishop, President of Governors Point Land LP, Owner of the ~126.98-acre site (the Site) located at the southern end of Chuckanut Bay near Larrabee State Park. The Site includes twelve (12) Tax Parcels and eight (8) Lots of Record reconfigured by a Boundary Line Adjustment (EXE2018-00061).

As a result of the Long Subdivision process, the Project will result in sixteen (16) residential lots, two (2) non-residential tracts and a Reserve Tract created under Whatcom County Code “cluster” regulations.

Of the eight (8) existing lots of record, seven (7) will be reconfigured as residential lots and one (1) existing lot of record of approximately eighty-eight (88) acres will be reconfigured as a Reserve Tract to be donated to the Whatcom Land Trust as a Nature Reserve. (See Attachment C for a copy of the conditional “Donation Agreement” between Governors Point Land LP and the Whatcom Land Trust.)

Nine (9) additional residential lots and two (2) non-residential tracts will be created through the Long Subdivision process.

As a result of the Shoreline Substantial Development Permit process, a float accessed by pier and gangway in conjunction with improved gravel paths and an ~800 sf storage building with restrooms will be constructed on Pleasant Bay along the east side of the Site. Three locations along the west side of the Site where roadway improvements are within the Shoreline Jurisdiction will also be constructed.

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Critical to the review of these applications is Stipulated Judgment 93-2-02447-6 which is codified in WCC 23.10.060(C) by reference. A draft Development Agreement designed to reconcile the requirements of the Stipulated Judgment and current Whatcom County Code is appended to this Narrative as Attachment D.

**Project Site Location, Topography and Soil**

The Site encompasses ~126.98-acres of the physiographic area referred to as Governors Point in Whatcom County. Governors Point is a roughly northwest-southeast trending ~4,500-foot elongate bedrock ridge that forms a peninsula located approximately 3 miles south of the City of Bellingham and roughly ½ mile north of Larrabee State Park. The Site occupies most of the northwest portion of Governors Point, within Sections 25, 26 and 36 of Township 37 North, Range 2 East, W.M.

The peninsula is surrounded on the north and east by Chuckanut and Pleasant Bays and on the south and west by Samish Bay. Most of the shoreline is composed of low, relatively steep bedrock slopes, except for a portion of the northeastern shoreline, which is composed of a high, near-vertical bedrock slope. The Site is bordered on the southeast by lightly developed single-family residential property.

A roughly east-west-trending swale forms a general topographic boundary between Governors Point and the mainland area. A second generally east-west-trending shallow swale bisects the peninsula forming two relatively broad sloping uplands that comprise most of the north and south portions of the Site. The ground surface along the crest of the upland areas is generally gently sloping with elevations that do not exceed about 270 feet above mean sea level.

Underlying a variable thickness of Nati Loam soil, the geomorphology of the peninsula is Chuckanut Sandstone. The soil supports a mature forest made up mostly of douglas fir, white fir, hemlock and cedar with periodic maple and alder. The understory is largely salal and fern, with some madrone and periodic holly.

**Current Conditions**

Access to the Site is via a gravel road that enters the Site on the east from Pleasant Bay Road.

The Site was logged in the late 1940's and into the early 1950's. Two Chuckanut Sandstone quarries operated on the northeastern slope of the peninsula during that era. Since that time however, the forest land has been professionally managed resulting in a mature, coastal forest reminiscent of the pre-European era.

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A single-family residence constructed in the late 1960's is located within the Site along the northwest shoreline. This one-acre residential lot, which is not a part of the Project, will be included in the Project planning with the option of participating in the Project's Homeowners Association. Provisions for its vehicle and utility access have been addressed in an easement connecting development of the Project with Pleasant Bay Road (AFN 2016-0901332).

The Site has several unimproved gravel roads which provide access to much of the Site, and direct access to that portion of the Site planned for residential development and waterfront uses.

A 4" water service connection to City of Bellingham water system was installed in 1953. Prior owners of the Site constructed a 4" water main within the existing gravel road network, providing water to a significant portion of the Property, including the currently occupied single-family residence. The water system remains functional. The Site is also served by Puget Sound Energy via a 115 kV overhead power line and a buried communication line. A map locating the existing utilities is included in Attachment A, Exhibit 10.

The Site has been extensively studied over the past decades, including its geomorphology, flora and fauna, cultural and archaeology, topography, and wetlands. Although most of these studies and reports are dated, they are available to provide baseline information if needed. The most recent wetlands' determination was completed in the summer of 2019.

The Site is currently zoned RR-5A. However, the Project is also the subject of the Stipulated Judgement that vests 1992 applications for Shoreline Development and a 141-lot Long Subdivision. The Owner and Whatcom County have commenced negotiating the draft Development Agreement. The proposed draft Development Agreement will be finalized with approval of the Governors Point Long Subdivision and the Shoreline Substantial Development Permit, at which time a Superseding Settlement Agreement will be entered by the Parties which will extinguish the Stipulated Judgement and the 1992 vested applications will be withdrawn. (See Exhibit D of the proposed Development Agreement in Attachment D for a copy of the and the Superseding Settlement Agreement and Stipulated Judgement.)

**Plan for Project Development**

The development plan is based in two separate but integrated land-use concepts, both committed to minimizing the human footprint on the environment. Logging and clearing of the site will be minimized to accomplish the development plan and is generally

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restricted to preparation of driveways and homesites on the residential lots. New roads will not be constructed.

First, Mr. Bishop and his companies will design, and build under their direction, sixteen architecturally rich homes that are limited in size and environmental impact. Homes will not be larger than 2,900 sf of conditioned living space with natural landscaping. The total buildings' area on any residential lot will not exceed 4,000 sf. The homes will be constructed over many years and will be located only on the west or Samish Bay side of Governors Point westerly of the existing gravel roads. Each home will be built of natural materials and placed in the landscape to limit visibility of the homes from Chuckanut Drive, the local neighborhood and Samish Bay.

For those Project residents who may want to keep larger boats on buoys in Pleasant Bay, the Shoreline Substantial Development Permit will provide for a float to be positioned off the beach on Pleasant Bay against which they can temporarily berth their boats while loading and unloading. Tenders or dinghies used to access the larger boats moored on buoys will be stored on land or landward of the float. The float will be designed and positioned to limit its visibility from the Project's neighbors on Pleasant Bay.

Second, and a very important element of the Project, the approximate ninety-eight (98) acre Reserve Tract will be donated to the Whatcom Land Trust as a Nature Reserve at closing of the conditional Donation Agreement following final approval and appeal periods of the Long Subdivision and Shoreline permits for the Project. The conditional Donation Agreement also specifies that the Agreement terminates if not closed by May 3, 2021.

As noted in the conditional Donation Agreement, WLT plans on providing public access to two (2) plus miles of non-motorized walking trails with trail access to beaches on both Pleasant and Samish Bays for those arriving by kayak, canoe or paddle board. Public parking under WLT's proposed plan will be accessed via its own driveway from Pleasant Bay Road for those arriving by bicycle or automobile.

Access and parking for the Nature Reserve will be permitted, developed and managed by WLT. Any improvements associated with the WLT conditional Donation Agreement and are not a part of the Project.

WLT intends to create the Nature Reserve as a permanent location for the public to enjoy a coastal marine ecosystem of forested uplands and shorelines. Integral to this design is the recognition that Governors Point offers the last significant location to access this coastal marine ecosystem, and one that provides the final piece of a long-

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sought wildlife corridor that extends from the crest of the Cascade Mountains to the Salish Sea.

The conditional Donation Agreement has been entered between Governors Point Land LP and the Whatcom Land Trust (WLT) for donation of the Reserve Tract to WLT. WLT will be responsible for providing for the development, operation and maintenance of the Nature Reserve. The conditional Donation Agreement also provides for road, utility, maintenance easements and mitigation measures, including those presented in the *Habitat Management Plan Governors Point* (October 4, 2019) in Section 6.5 and 6.6 (see also CC&Rs in Exhibit D, Section 1.6 of the Donation Agreement to be recorded on the Nature Reserve or “Donated Property” in favor of the Donor to support the proposed development).

The Long Subdivision Application will:

- (a) Reconfigure seven (7) of the existing five-acre Lots of Record to cluster-sized lots meeting the requirements of clustering in the RR5A zone; and
- (b) Reconfigure the eighth (8<sup>th</sup>) Lot of Record to be the cluster development’s Reserve Tract; and
- (c) Create nine (9) additional cluster-sized residential lots along the west shoreline and two (2) cluster-sized non-residential tracts to meet the residents’ recreational uses.

The Shoreline Substantial Development Permit will allow for construction of the access pier, gangway and float along with an 800 sf storage building with restrooms and trails along Pleasant Bay, and improvements to three locations along the existing roads serving homesites on the west side of the Site.

**Utilities and Access**

Except for driveways providing utility and access to homesites on residential lots and developed areas on non-residential lots, all access and utilities serving the residential lots will be located either in specific easements or within the Perpetual Easement for Development-Related Infrastructure covering the Reserve Tract (Tract A on the accompanying plat drawings and described in Exhibit D, Section 1.6 of the Donation Agreement).

Water

The Project will create a Group A Water System to be owned and operated by a Homeowner’s association to be organized by the property owners of the Project, as allowed and regulated by the Washington State Department of Health.

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The City of Bellingham Council has approved an application from the Owner for a Wholesale Water Service Agreement with the City of Bellingham via an existing connection and meter located adjacent to the Site along Pleasant Bay Road. Pursuant to this City Council approval, the City of Bellingham entered into a Wholesale Water Service Agreement with Governors Point Land LP. This agreement is included as Attachment E and commits the City of Bellingham to providing water service connections to 16 new residential and 2 new non-residential lots.

In support of the Bellingham Council approval of the Wholesale Water Service Agreement, a letter was provided to the Council from the City of Bellingham's Public Works Director detailing the rationale for approving the Wholesale Water Service Agreement. The letter states in the last sentence of the second paragraph: "*The City has sufficient water service capacity in its main on Pleasant Bay Road to provide wholesale water to the four-inch connection for your proposed project*". A copy of the letter is included with this Application in Attachment E.

This declaration by Bellingham's Public Works Director establishes the criteria for considering the Project's water system improvements as "existing" within the Whatcom County Coordinated Water System Plan under Section 5.2.2 Application of Standards, Existing Water Systems. In this reference, an "existing system" is one that does not increase "... the existing service area or approved number of service connections." The existing number of service connections has been set by the City of Bellingham at 18 (plus the existing single-family residence located adjacent to but not part of the Project).

The existing 4" City of Bellingham water meter and main serving the Project from Pleasant Bay Road will be inspected, repaired and relocated as necessary to provide water to the existing currently occupied non-project residence, the proposed sixteen new residences and the two new non-residential lots.

In addition, the Project's RR-5A zoning has no minimum fire-flow requirements (Table 5-3 in the Whatcom County's Coordinated Water System Plan).

Sanitary Waste Water

Sanitary waste water from the sixteen homes and two non-residential tracts (if required) will be treated either by (1) individual on-site septic systems on the lots created by this long subdivision or on the easement provided for in Exhibit D, Section 1.6 of the Donation Agreement; or (2) individual on-site septic tanks on the proposed lots with effluent pumping to a common drainfield located within the easement provided in the Donation Agreement.

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Stormwater Management

Stormwater management from impervious road and driveways will be treated and infiltrated, dispersed or detained on-site via road and driveway side swales, infiltration trenches or other facilities. Conveyance and point-discharge to the marine waters is not contemplated at this time except that limited flow into the ditch along Pleasant Bay Road. See Attachment A, Exhibit 7 for a copy of the Stormwater Management Report.

Electricity and Communications

Electricity and communications are currently on site. Electricity is supplied via overhead wires by Puget Sound Energy and communications are supplied by Comcast via buried cable. The development plan will utilize buried cable systems for both utilities. Propane gas for household use will be at the discretion of the individual home owner. The use of geothermal heat and cooling will be investigated as a possible alternative to propane heating and electrical cooling.

Vehicle Access

Approximately 6,500' of the existing gravel network of roadbeds (constructed in the 1970's and 1980's to Whatcom County standards in support of the vested 141-lot subdivision) will be used as the roadways serving the residential lots. Without maintenance, these existing roadways have accommodated loaded, tandem dump trucks and 80,000 lb. water well drilling rigs within the last 3 years. No new roads will be constructed.

Approximately 4,500' of the existing gravel network of roads traversing the top of north-south ridge line in the Nature Reserve tract may be converted for trail and maintenance access in order to reduce impervious surfaces within the Nature Reserve.

Limiting the development of finished drive lanes (except in very limited areas to match fire truck access grade limitations) to the existing roadbeds will minimize further cuts or fills that may be required to expand the roadways. This approach will lessen any impacts to the Nature Reserve caused by road widening. To this end, the development plan utilizes an impervious cross-section for the roadways of two nine foot (9') drive lanes, with two foot (2') shoulders where topography allows. All roads will be private, with a proposed speed limit of 20 mph. If during the design process it is determined that topographic conditions do not allow for the full section as proposed, turnouts and signage for a one lane road will be provided. Regarding roadside drainage, for those limited areas where topography does not allow for convenient roadside drainage features for dispersal

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or infiltration, stormwater will be conveyed to the nearest point where it can be appropriately handled through dispersion or infiltration.

For driveways, including access to the non-residential lot on Pleasant Bay, the development plan utilizes a twelve foot (12') wide drive lane with 2' shoulders.

Fire Vehicle Access

In order to best meet the overall objectives of the Project to minimize the impact to the land from roads, driveways and residential construction while insuring safe and adequate fire/life safety protection, the Owner proposes the following:

- Utilization of the existing, rehabilitated or relocated 4" water main.
- Two nine-foot (9') drive lanes from the intersection of the Project roadway from Pleasant Bay Road to the last two residences served by each roadway section.
- One twelve-foot (12') drive lane to serve the last two residences served by each roadway section and the roadway section serving the non-residential lot at the beach on Pleasant Bay.
- Standard fire apparatus turn-arounds at the end of, or within one hundred fifty feet (150') of the end of each roadway section.
- Two-foot (2') shoulders where topography permits.
- Residential fire sprinklers.
- No fire hydrants.
- Additional mitigation measures from the Whatcom County Coordinated Water System, the IFC , IBC and the International Urban-Wildlands Interface Code to include for example:
  - Non-combustible or fire-rated construction.
  - Provide enhanced setbacks from neighboring buildings .
  - Provide enhanced/monitored fire alarms.
  - Provide additional exits from buildings.

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**Attachments**

A. Preliminary Long Subdivision Application

Exhibit 1: Application Form

Exhibit 2: Deed

Exhibit 3: Draft CC&R's

Exhibit 4: List of Modifications

Exhibit 5: List of Neighbors within 1,000'

Exhibit 6: SEPA Checklist

Exhibit 7: Stormwater Management Plan

Exhibit 8: Preliminary Traffic & Concurrency

Exhibit 9: Land Disturbance & Clearing Application

Exhibit 10: Road and Utility Plan

Exhibit 11: Geotechnical Report

Exhibit 12: Draft Map Data (Subject to Final Design)

Exhibit 13: Title Report

B. Shoreline Substantial Development Permit

C. Donation Agreement

D. Development Agreement and Superseding Settlement Agreement

E. Wholesale Water Agreement and Bellingham Public Works Director Letter