



May 18, 2007

Wildwood Resort
Attn: Rick Faber
131 E. Grover Street
Lynden, WA 98264

RE: Wildwood Resort Camp located at 990 Lake Whatcom Blvd, Sedro Woolley, WA on a parcel approximately 15.0 acres in size currently zoned Rural. (APN: 370420-440088; 520066; 468050; 434040; and 443046)

File Number NON2007-00008

Dear Rick Faber:

I have reviewed your request for legal nonconforming status for Wildwood Resort Camp located at 990 Lake Whatcom Blvd, Sedro Woolley, WA, on a parcel approximately 15.0 acres in size currently zoned Rural. (APN: 370420-440088; 520066; 468050; 434040; and 443046)

Based on the review of all documentation submitted by you and the available information at Whatcom County Planning and Development Services, I have made the following determinations:

In a signed and notarized affidavit, Rick Faber stated that the Resort has been in existence since the 1940's and that the existing uses have been there prior to 1974.

1. Washington State Department of Health License for Transient Accommodation at Wildwood Resort.

License Number: TA 3052
Facility ID: 002802
Effective Date: 05-01-07
Expiration Date: 04-30-08
Number of Units: 4.00

2. Washington State Department of Health License for Transient Accommodation at Wildwood Resort.

License Number: TA 3052
Facility ID: 002802
Effective Date: 04-17-06
Expiration Date: 04-30-07
Number of Units: 4.00

3. Washington State Department of Health Report dated April 11, 2007. This report is for the Transient Accommodations (4-Units) located at the resort. Transient Accommodations means any facility such as a hotel, motel, condominium, resort, or any other facility or place offering three or more lodging units to guests for periods of less than 30 days. According to this report Licenses were issued to this resort for the renewal of the transient accommodations from April 26, 1994 to April 12, 2007.

4. Washington State Department of Health Statement of Deficiencies and Plan of Correction form dated October 3, 2006. According to the inspector John DeLeon, M.P.H. there were no deficiencies observed.
5. Transient Accommodation Self-Inspection Form dated April 24, 2006.
6. Memorandum, dated April 25, 2007 from Ed Halasz, Whatcom County Health Department, stating that the WC Health Department has very little information on the Wildwood Resort RV Park. Mr. Halasz states that the sites closest to the lakefront appear to be campsites, with no existing sanitary services to them. On the map attached to the memorandum, the campsites appear to be numbered from 1 to 82.
7. An Inspection Form dated December 10, 1996. On the comment section of this form the inspection writes that the Resort has 7 buildings, 50+ RV spaces, 50+ camping spaces, 11 septic tanks, and 10 drainfields. Most fields are 100 to 500-feet to the lake, there may be four drainfields closer than 100-feet. Eight tanks are pumped yearly the others as needed. No visible problems.
8. Whatcom County Assessor Calculator Cost Form, dated June 22, 2000. This form identifies the parcel as 370420-440088-0001 located at 990 S. Lake Whatcom Blvd. known as Wildwood Resort. The form is broken down into columns I through V (Section I through Section V) and describes the different development on the parcel as of the date of the inspection. This record includes photographs of the different development on the property.
 - Section I: Describes a one and a half story woodframe residence in fair condition built in 1920.
 - Section II: Describes a one-story four-plex in fair condition built in 1962.
 - Section III: Identifies the improvement as Store-Old Home. No date is given for the year of construction.
 - Section IV: Has a note "See Reverse". This Section identifies the other development on the property as follows:
 - 68 Recreational Vehicle (RV) spaces with water, sewer, and electric
 - 53 RV spaces electric only
 - Five (5) cabins (not including four-plex)
 - Four are full service
 - One partial service
 - Two (2) Lavatories
 - Concrete Block (19-ft by 24-ft)
 - Wood (16-ft by 50-ft)
 - Picnic Shelter (approximately 20-ft by 50-ft)
 - Boat House and Dock
 - Section V: Left Blank
9. Whatcom County Health Department Sewage Disposal Survey Form dated April 13, 1990. Under Section 1 – General Data identifies the property as 990 S. Lake Whatcom Blvd, known as Wildwood Resort, larger than 15 acres used as a summer campground and has the following development:
 - Two Houses
 - Five (5) cabins
 - 77 pads (It appears that the 77 pads are represented on the map by a small square box)
 - One (1) Store
10. Whatcom County Health and Human Services On-Site Sewage System Construction Permit (Permit NO. 00-161) dated April 21, 2000. This permit gave services to 27 RV spaces and one 3-bedroom house.

It is unknown if this was to rebuild an existing system or a completely new system allowing a new residence and an additional 27 RV spaces to the Resort.

11. Whatcom County Health Department Repair Sewage Disposal System, Permit NO. 02303, dated September 5, 1990. (APN: 370420-520066; 468050; and 440088). This permit was to cover three (3) cabins with seasonal use, the four-plex, the campgrounds central comfort station with no showers, and two (2) RV spaces with water and sewer hook-ups.

Note: This application was not approved on September 10, 1990, (unable to clearly read the name) reasons given are: Pump chamber must be 50-ft from high water mark of the lake and 50-ft from creek to the west.

12. E-Mail from Jennifer Bressi, Washington State department of Health dated May 3, 2007. This e-mail correspondence was to clarify the information received on the Washington State Department of Health Report dated April 11, 2007. On this report, under licenses /certifications, there were two licenses listed TA-1473 (closed) and TA-3052 (active). Ms. Bressi explains in her response that TA-1473 was in place from 1993 until April 2006 when it was closed due to a change in the ownership of the resort. With the change in the ownership a new license was issued TA-3052.

13. Zoning Outline:

Current Zoning: Rural
From August 19, 1982 to Present

WCC 20.36: Purpose

The purpose of this district is to implement the Rural designation of the appropriate subarea Comprehensive Plan which calls for the maintenance of rural character and environmentally fragile areas by allowing a variety of low intensity uses that are compatible and complimentary with the conservation of agricultural, forestry and related uses. Furthermore, the purpose of this district is to provide the option for residential uses to arrange in cluster development patterns while reserving tracts of land for rural uses and potential future re-subdivision.

Private campgrounds are not listed as permitted or a conditional use within this zoning designation, therefore it is a prohibited use unless Nonconformity can be granted.

Previous Zoning: General Protection
From June 17, 1974 to August 19, 1982

Interim Zoning Ordinance (IZO) 2.24.510.010: Purpose

The purpose of the GP zone was to establish a multiple-use zone in which expansion of business, industry and concentrated residential development is only restricted to the minimum extent necessary. The GP zone 2.24.150 allowed mobile home parks and recreational vehicle parks as a conditional use.

2.24.150: All uses not otherwise permitted shall require a Conditional Use Permit, including but not limited to: apartments, townhouses, condominiums, mobile home parks, motels, hotels, recreational vehicle parks, resorts, camps, commercial recreation facilities, marinas, racetracks, theaters, billboards, taverns, facilities for the disposal of the dead, solid waste disposal facilities, wrecking, salvage and storage yards not located within an industrial area shown on the Comprehensive Plan Map, auction barns, wholesale uses, slaughter houses and freezing plants; and soil, gravel, clay peat and mineral processing facilities which have an intended locational life in excess of 12 months.

It appears that a Conditional Use Permit would have been required to operate a Resort and/or Camp since June 17, 1974, with the adoption of the General Protection (GP) Zone. Therefore the date the applicable restrictive zoning was established is June 17, 1974.

Previous Zoning: Unclassified
From July 6, 1972 to June 17, 1974

IZO 2.24.520.010 Purpose

All the territory of Whatcom County lying outside the limits of any incorporated city or town, which territory has not been otherwise classified or designated in other use districts is designated and established as a U-Unclassified District, and shown on the map called Temporary interim Zoning Map, Whatcom County, which is hereby adopted and made part of the Ordinance. Said map is divided into areas numbered from 1 to 100.

The U zoning district allowed any use not otherwise prohibited by law.

Previous Zoning: Prior to July 6, 1972, Whatcom County had no zoning regulations.

14. A site plan showing the existing structures dated March 16, 2007.
15. A copy of staff report prepared by Whatcom County Planning and development Services dated March 7, 2002. On page two of the staff report under the heading, III. Findings and Conclusions, first paragraph it states: "The applicant is requesting approval of a Shoreline Substantial Development Permit and Zoning Conditional Use Permit in order to permit and repair four existing (unpermitted) docks that are used in conjunction with an established, legally nonconforming, marina and campground resort...since the marina and camping resort have been determined to be legal nonconforming uses the applicant is requesting a Zoning Conditional Use Permit to permit the existing (unpermitted) docks as either a private, quasi-public sport or recreational facility pursuant to Whatcom County Code (WCC) 20.36.150, or as an expansion of a legal nonconforming use in approving the site as a marina, pursuant to WCC 20.83.020.

Staff recommended approval of the Shoreline Substantial Development Permit SHR 2001-00025 and the Zoning Conditional Use Permit CUP 2001-00028.

Page 12 of the staff report, under the heading ' C. Zoning Conditional Use Permit' staff wrote:

"According to the Whatcom County Zoning Maps, the project site and the adjacent properties are zoned Rural 1 unit per 2 acres (R2A). Pursuant to WCC 20.36.150 private, quasi-public sport or recreational facilities are allowed within the R2A zoning designation as a conditional use. Additionally, WCC 20.36.153 indicates that summer camps may be approved as a conditional use. Although there are many correlations between the proposed project and the above described uses, staff believes that the project must be reviewed as the expansion of a legally nonconforming use, which may be allowed pursuant to WCC 20.83.020 upon approval of a Zoning Conditional Use Permit.

WCC 20.83.020 requires that the expansion must be located on the parcel as it existed at the time the use became nonconforming and the use may not expand on adjacent parcels. The expansion shall be approved if it is consistent with the applicable zoning regulations except the use restrictions and complies with WCC 20.84.220(2) through (8)."

16. A copy of the Whatcom County Hearing Examiner's Decision granting approval subject to twenty (20) conditions for the Shoreline Substantial development Permit (SHR2001-00025) and the Zoning Conditional Use Permit (CUP2001-00028) dated March 26, 2002.
17. A signed Declaration of Mr. Bob Moors, dated March 29, 2007, stating that he has resided in Whatcom County for the past 16-years and that he is familiar with the Wildwood Resort since 1962. It is Mr. Moors recollection that approximately 106 trailer spaces for recreational vehicles (RV's) were in existence on the property since June of 1974. Mr. Moors also recalls that there were approximately 25 camping spaces in existence on the property in June of 1974, and that some of these spaces were along the lake boundary. Mr. Moors recalls further that that the resort has historically included the structures depicted on the current site plan identified under Item 14 above. The site plan is dated as March 16, 2007.
18. Review of aerial photographs of the area from 1961, 1975, 1986 and 1995. The 1961 aerial shows the house, the store, four cabins which are now the fourplex and a few other out buildings on the property. It appears that most of the RV spaces came into existence sometime between 1961 and 1975. Over the years it seems as though more spaces were added to what exists today. Since there is no clear way to identify exactly when the development appeared on the property, the only solid forms of evidence Whatcom County has that gives a date and the number of structures are the Assessor's information, the Health Reports from the 1990's, identified in Item #'s 8, 9, and 10 above.

Based on the evidence submitted by the applicant and the records of Whatcom County, legal nonconforming status is **granted** at this time for a Camp/Resort consisting of the following development located at 990 Lake Whatcom Blvd, Sedro Woolley, WA:

- 77-pads with water, sewer and electric
- 53 RV Spaces with electric only
- 5 cabins
- 2 lavs
- 1 picnic shelter
- 1 general store
- 2 houses
- 1 fourplex

Among planning jurisdictions nationally and in the state of Washington there is a variety of regulatory approaches that may be applied to nonconforming uses. One common approach is to require nonconforming uses to be removed after a certain period of time. Whatcom County has the distinction of having one of the most lenient approaches; nonconforming uses may be conditionally permitted to expand or change to another type of nonconforming use under certain circumstances. New nonconforming uses shall not result in greater impacts upon surrounding properties than did the original nonconforming use.


Pursuant to Whatcom County Code 20.83.050, if a nonconforming use or physical feature of a building or group of buildings on one site is damaged or destroyed by any means, that use shall be permitted to be rebuilt equal to the square footage of damaged or destroyed building(s), for the same use and location on the site.

It is important to note that, although nonconforming status has been granted, the use was established prior to the adoption of prohibitive zoning ordinances. Whatcom County accepts no responsibility for the condition of the site should any health or safety issues arise from said use of the property. According to Whatcom County Zoning (Whatcom County Code 20.83.010), if a nonconforming use is discontinued for a period of 12 months or more, any future use of said building; land or premises shall be consistent with the provisions of current regulations. Additionally, a Zoning Conditional Use Permit must be obtained prior to expanding the nonconforming use, unless otherwise exempted by the Whatcom County Land Use Division and WCC 20.83.

Pursuant to WCC 20.84.240, any person may appeal this determination to the Whatcom County Hearing Examiner within 14 calendar days from the date of this letter. An appeal must be accompanied by a completed appeal form, a fee of \$750.00 and a statement including evidence substantiating the basis for the appeal.

If you have any questions or concerns regarding this matter please contact me at this office.

Sincerely,


Robert Mulfooney
Planner II
Whatcom County