

WHATCOM COUNTY
Planning & Development Services
5280 Northwest Drive,
Bellingham, WA 98226-9097
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J.E. "Sam" Ryan
Director

**Conditional Use Permit
Revision Request**

Files #: CUP2008-0006 + SHR 2007-0008

Applicant

Name Adolfo Florindo / Faber Construction Phone (360) 354-3500

Address 131 E. grover St. City Lynden

State WA Zip 98264 Email adolfo@faberconstruction.com

Site Address: 990 Lake Whatcom Boulevard, Sedro Woolley, WA 98248

Please answer the following questions to the best of your knowledge:

1. What is the nature of this revision? See attached narrative

2. What condition(s) are being revised (by condition number)? _____

3. Will the building height and/or lot coverage increase? Yes No
If yes, by what dimensions? Impervious lot coverage will be 10%

4. Does this reason require any change in landscaping? Yes No

5. Does this revision involve additional or different use of the property than originally approved? Yes No

6. Does this revision involve any over water construction? Yes No

7. Will there be environmental impacts resulting from this revision? Yes No

Traffic: Designated parking areas

New Employees: none

New Health, Fire or Building requirements: none

Hearing Examiner

Approved MB Date 10-20-11
subject to attached conditions.
 Denied Date _____

Reason for Denial: _____

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J.E. "Sam" Ryan
Director

MEMORANDUM

TO: Michael Bobbink
Whatcom County Hearing Examiner

FROM: Tyler Schroeder
Current Planning Supervisor

Sam McDaniel
Whatcom County Shoreline Administrator

DATE: September 8, 2011

RE: Lake Whatcom Resort Revision Request (SHR2007-00008/CUP2008-00006)

RECEIVED

SEP 13 2011

WHATCOM COUNTY
HEARING EXAMINER

This memorandum is to request review of the attached revision request pursuant to WCC 20.84.225. The applicant is requesting a revision to the zoning conditional use permit and shoreline substantial permit, to allow; changes to lots 1-8, existing 1,822 sq ft gravel parking area conversion, parking area along east wall of building-E wood shed, existing impervious asphalt road conversion to pervious asphalt, Phase 2 overall R.V. lot layout, grass grid parking areas, road curvature, future playground area, building/campsite drawing legend, impervious/pervious calculations and drainfield corrections. A more detailed description of the changes is attached.

Staff is in general agreement with all of the proposed revisions and recommends that the Hearing Examiner approve the revision request. Staff recommends the change of use from the R.V. units to Park Model Trailers and submits the following definitions. The Whatcom County Code has the following definitions for R.V.'s;

WCC 20.97.335 Recreational Vehicle – "Recreational vehicle" means a motor vehicle, or portable structure capable of being transported on the highways by a motor vehicle, that is designed and intended for casual or short-term human occupancy for travel, recreational and vacation uses without a permanent foundation; identified by a model number (RV), serial number and vehicle registration number; equipped with limited water storage and other self-contained living facilities. For the purposes of these regulations, the term "recreational vehicle" shall include self-contained campers, motor homes and travel trailers and shall not include park model trailers, as they are not self-contained units. (Ord. 2000-040 § 1, 2000; Ord. 88-29, 1988; Ord. 87-12, 1987; Ord. 87-11, 1987).

and the definition for Park Model Trailer is as follows;

WCC 20.97.292 Park Model Trailer - "Park model trailer" means a trailer designed to provide seasonal or temporary living quarters which may be used with temporary connections to utilities necessary for operation of installed fixtures and appliances. It has a gross trailer area not exceeding 400 square feet. (Ord. 2000-040 § 1, 2000).

As you know, this project was for the expansion of a legally established non-conforming use. The Conditional Use Permit is approved to reduce the number of RV pads from 130 to 83 units. Because of the temporary nature and due to historical interpretations, Staff is of the opinion that the change from an RV use to a Park Model Trailer use is within the same scope and intent of the original approval. Any trailer, whether an RV or Park Model Trailer shall conform to the conditions of approval of the CUP.

With the formalization of changing the RV's to Park Model Trailer the following condition is recommended and identified below in the new recommended conditions of approval;

Park Model Trailer shall be approved by Washington State Department of Labor and Industries, Special Compliance Service Division, Factory Assembled Structures and shall be designed and function to be consistent with WCC 20.97.292 Park Model Trailer, RCW 43.22.335 through RCW 43.22.495 and RCW 46.04.623.

The applicants have also requested that the pervious asphalt pads for the park models be changed to pervious washed gravel. WCC 20.71.603 states that:

Surfaces shall be considered impervious surfaces under WCC 20.71.300 unless the following conditions are met:

(1) Bark, wood mulch, and washed gravel shall be designed and installed so that all rain water falling upon the alternative surface will be infiltrated directly beneath the alternative surface without generating surface runoff based on the one-year, 24-hour storm event.

The applicants have submitted an engineered analysis from Freeland and Associates which shows that the rock to be used underneath the park models will infiltrate the one-year, 24-hour storm event. Therefore, staff has no objection to approval of the pervious washed rock. The site plan has been revised to show this change.

SHORELINE REVISION

According to section 23.60.17 of the 2008 SMP, a permit revision is required whenever the applicant proposes substantive changes to the design, terms, or conditions of a project from that which was approved in the permit. Changes are considered substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the SMP or the Washington State Shoreline Management Act (SMA).

It has been determined that the revisions proposed are substantive changes to the design, terms, or conditions from that which was approved in the original permit.

Scope and Intent:

Section 23.60.17 of the SMP state that the decision-maker that approved the original permit may approve the request for revision upon a finding that the proposed changes are within the scope and intent of the original permit, and are consistent with the SMP and SMA.

In order to determine if the revised scope is "within the scope and intent of the original permit," all of the criteria listed in 23.60.17.B must be met. These criteria are outlined and addressed below:

1. No additional over-water construction is involved except that a pier, dock or floating structure may be increased by ten percent (10%) over that approved under the original approval;

*No overwater construction such as pier, dock or float development was proposed as part of the original permit or the requested revised scope of work. **The revised proposal is consistent with the scope and intent of the original permit.***

2. Ground area coverage and/or height may be increased a maximum of ten percent (10%) over that approved under the original approval; provided that, the revised approval does not authorize development to exceed the height, impervious surface, setback or any other requirements of this Program except as authorized under a variance granted for the original development;

The proposed revisions within jurisdiction of the SMP include:

- *Lots 46 & 47, 58 thru 59, 61 thru 70, 72 & 73, and 74 thru 83 have been revised to accommodate Park Model trailers. It reflects back to back layouts to create larger green space areas in between pads. The park model pads have been reduced to 10'x30' in size.*
- *Lots 46 & 47, 58 thru 59, 61 thru 70, 72 & 73, and 74 thru 83 have been revised to accommodate a 10'x20' single space or a 10'x25' parallel space. The parking space consists of a pervious grass-grid section.*
- *Lots 1 thru 4 have been revised to relocate the 12'x20' patio canopy structures towards to back of the lots to accommodate a pervious grass-grid parking space.*
- *The middle access road section beginning between lot 55 & 63 and ending between lot 57 & 60 has been revised to incorporate a slight road curve to help establish better grades for terracing the upper and lower lots.*
- *The creation of 10 new auxiliary pervious parking pads.*

*The original proposal included 43,670 square feet (13.8%) of pervious surfacing within shoreline jurisdiction. According to the revision documents, the increased pervious parking area totals 53,063 square feet (16.7%). **The increase of ground area coverage is 9,393 square feet (2.9%).** The proposed revision is within the height, impervious surface, setback, and other requirements outlined in the SMP. **The proposed revision is consistent with the above criteria and thus within the scope and intent of the original permit.***

3. Additional or revised landscaping is consistent with any conditions attached to the original approval and with this Program;

*No additional landscaping is proposed nor required for the proposed revision. **The proposed revision is consistent with the above criteria and is within the scope and intent of the original permit.***

4. The use authorized pursuant to the original approval is not changed; and

No change in use has been proposed. However, the applicant is revising the location of the pervious pad to accommodate "Park Model" trailers. While technically not a change in use, the change to "Park Model" will change the appearance of the RV Park from a transitory nature to a more permanent nature. This change in appearance has the potential to result in violation of the required occupancy time frame set forth in WCC Title 20. In an attempt to ensure compliance, Staff is recommending the addition of a new condition to require the property owner to submit documentation annually that demonstrates compliance with the RV occupancy time frame set forth in WCC Title 20.

The revised project is consistent with the above criteria and thus within the scope and intent of the original permit.

5. The revision will not cause adverse environmental impacts beyond those originally authorized in the approval.

No adverse environmental impacts are anticipated through the proposed revision. The revised project is consistent with the above criteria and thus within the scope and intent of the original permit.

New Recommended Conditions of Approval:

#40. Park Model Trailer shall be approved by Washington State Department of Labor and Industries, Special Compliance Service Division, Factory Assembled Structures and shall be designed and function to be consistent with WCC 20.97.292 Park Model Trailer, RCW 43.22.335 through RCW 43.22.495 and RCW 46.04.623.

#41. The property owner shall submit documentation to the Zoning Administrator annually that demonstrates compliance with the RV occupancy time frame set forth in WCC Title 20. Failure to demonstrate compliance with the RV occupancy time frame set forth in WCC Title 20 annually may result in enforcement actions as allowed for by law.

#42. Per WCC 20.80.735, no work shall be permitted which exposes more than 500 square feet of soil between October 1 and May 31.

Recommendation:

Staff recommends approval of the above identified revisions with new recommended conditions of approval.

Cc: Adolfo Florindo, Faber Construction



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fax: 360-354-0335
131 East Grover Lynden WA 98264
www.faberconstruction.com

September 8, 2011

Whatcom County Planning & Development
Tyler Schroeder, Planning Supervisor
Sam McDaniel, Shoreline Administrator
5280 Northwest Drive
Bellingham, WA 98226-9097

Re: Wildwood Resort CUP2008-0006 Revision Application

The following narrative is a break down of the revisions we would like to propose on the approved master site plan dated and approved by Michael Kershner on June 4, 2010. Our sole intent is to propose minor modifications that comply with the original Conditional Use Permit rules and regulations. The Shoreline Substantial Permit revisions are separated in blue for clarification.

Phase-1 (North of Wildwood Creek)

Lots 1 Thru 8

1. Lot 1 thru 8 pad sites and road configuration layout has been as-built by our surveyor and reflected correctly on the overall master site plan. Road layout was determined by topographic constraints as well as working around the existing tree line on the upward slope. Approved 12'x20' patios have been moved towards the back of the lot to accommodate (7) 11'x20' and (1) 10'x20' grass grid pervious parking spaces.

- A. 200'-0" Shoreline Jurisdiction
Lots 1 thru 4: The 12'x20' patio/canopy structures have been moved towards the back of the lots to accommodate (4) grass grid pervious parking spaces.
- B. 100'-0" Shoreline Buffer Setback
No proposed revisions in this phase-1 area

Existing 1,822 Sq. Ft. Gravel Parking Area Conversion

2. The existing 1,833 sq. ft. gravel parking area directly below lot 8 will be converted to (8) grass-grid parking spaces. These spaces will be for overflow parking. The impervious calculations will deduct this square footage.

Parking Area Along East Wall of Building-E-Wood Shed

3. The addition of (4) pervious grass-grid parking spaces to the east of building E-Wood Shed.

Lot 14

4. Proposed lot 14 has been relocated to its original approved location. The 10'x30' pervious pad and 12'x20' pervious patio layout has been re-configured. A 10'x20' pervious parking space has been located to the west side of the lot.

Phase-2 (South of Wildwood Creek)

Existing Impervious Asphalt Road Conversion to Pervious Asphalt

5. 9,520 sq. ft. of impervious asphalt road located to the south of the culvert will be converted to pervious asphalt pavement. The pervious road specifications will match the existing approved civil engineered plans. We stopped short of the culvert due to required ground depth for pervious pavement. The impervious calculations will deduct this square footage.

C. 200'-0" Shoreline Jurisdiction

1,406 sq. ft of the overall 9,520 sq. ft of proposed impervious asphalt to pervious conversion is located in the 200'-0" shoreline jurisdiction. 436 sq. ft of the 1,406 sq. ft. proposed asphalt conversion lies within the 100'-0" shoreline setback. This area is located at the boat launch.

Phase-2 Overall R.V. Lot Layout

6. The phase-2 R.V. lots 9 thru 83 layout has been revised to accommodate Park Model Trailers. It reflects back to back layouts to create larger green space areas in between pads. The staggering of the trailer pads lengthwise is minimal due to trees, lot lines, parking areas, and proximity to the road. Park model structures are subject to verification of L&I approval. The park model pads have been reduced to 10'x30' in size. Visually, we are trying to create a park that does not resemble the uniformity of a typical trailer park.

D. 200'-0" Shoreline Jurisdiction

R.V. lots 46 & 47, 58 thru 59, 61 thru 73, and 74 thru 83 have been revised to accommodate Park Model trailers. It reflects back to back layouts to create larger green space areas in between pads. The park model pads have been reduced to 10'x30' in size.

E. 100'-0" Shoreline Buffer Setback

The 12'x20' or 240 sq. ft approved patio/canopy structures are all located outside of the 100'-0" shoreline buffer as required by condition #9 of the Hearing Examiner's decision.

Grass Grid Parking Areas

7. We have incorporated the double 10'x20' grass grid parking areas in between lots. The green parking spaces are designated to lot owners and the magenta colored spaces are auxiliary overflow parking areas. Proposed parking in the CAO setbacks / buffers has been removed per Lynn Morgan-Hill's directive. The entire site has 126 parking spaces overall. Parking space dimensions shall conform to WCC 20.80.510. The reason for creating the parking areas is to deter lot owners and visitors from parking directly on the grass and creating ruts, dead grass, and erosion during major storm events.

F. 200'-0" Shoreline Jurisdiction

R.V. lots 46 & 47, 58 thru 59, 61 thru 70, 72 & 73, and 74 thru 83 have been revised to accommodate a 10'x20' single space or a 10'-0"x25'-0" parallel space. The parking space consists of a pervious grass-grid section. (See attached permeable paver parking section for reference)

G. 100'-0" Shoreline Buffer Setback

The proposed parking area located in the center of the turn-around loop has been removed from the plan. This area will consist of existing trees, natural vegetation, and grass.

Road Curvature

8. Slight road curves were incorporated into the layout to help balance lot square footages, avoid tree roots, and to establish better grades for terracing the lots. It also breaks up the regularity of straight roads.

H. 200'-0" Shoreline Jurisdiction

The middle access road section beginning between lot 55 & 63 and ending between lot 57 & 60 incorporates a slight road curve to help establish better grades for terracing the upper and lower lots.

Future Playground Area

9. A future playground area was added by the water tank. Local Health department approves the location of the playground within the 100'-0" well setback area. The existing resort had a playground. There is a perimeter pervious walking path ties the playground in with the road.

Building / Campsite Drawing Legend

10. The building / campsite legend and its perspective square footages have been revised to reflect the correct proposed lot layout and proposed parking.

Impervious / Pervious Calculations

11. The impervious / pervious square footages and calculations have been revised to be within the Whatcom Co. code requirement of 10% impervious. We are currently at the limit of 10% impervious of the entire site. The asphalt road conversion area is shown on the driveways on the phase-2 side. The conversion of driveways and phase-1 gravel parking area had sufficient square footages to meet the 10% impervious limitation and cover the impervious surface of the (83) 12'x20' approved canopy structures. Both the park model and canopy gutter roof drains for each lot will be tight-lined below the patio for required infiltration. This will meet Stormwater Special District Standards as required in the Whatcom Watershed.

Drainfield Corrections

12. The drainfield locations and labels have been corrected as to what has been permitted by the Health Department.

In reference to the SMP 23.60.17 revisions requirements, we feel that the proposed revisions located in the shorelines jurisdiction are within the scope and intent of the original approval per the follow:

1. No additional over-water construction is involved.
2. Ground area coverage impervious surface limits are within WCC 10% limit.
3. The revised landscaping areas in the shorelines jurisdiction are consistent with the original approval.
4. The park model use authorized as pursuant to the original approval has not changed.
5. The proposed revisions will not cause adverse environmental impacts beyond those originally authorized in the approval.

Phase-2 R.V. Pad Alternate Surface - Pervious Gravel / Rock

13. We would like to change the proposed 10X30 permeable asphalt R.V. / Park model pads to pervious gravel / rock pursuant to Whatcom County code section WCC 20.71.603. The master site plan has been revised to reflect the pad areas as pervious gravel / rock. Infiltration calculations and revised permeable gravel pad section has been provided by Freeland & Associates.

I have attached the alternate park model gravel / rock pad stormwater infiltration calculations, park model permeable gravel pad section, permeable paver parking section and revised impervious/pervious calculations for your reference. We are hoping that Whatcom County may be able to review and make approval recommendations to the Hearing's Examiner on our behalf. Any efforts to help expedite this request are greatly appreciated. The entire Phase-2 site work is currently underway and the urgency of receiving approval is critical for us to stay on our tight schedule. Feel free to call me directly for any clarifications or requirements needed. I can be reached at 354-3500 ext. 232.

Sincerely,



Adolfo Florindo, Designer
Faber Construction

Cc: Michael Kershner
Chad Yunge
Rick Faber
Raymond Faber