



**Shoreline Substantial Development Permit
Notice of Additional Requirements (NOAR)**

TO: Rick Faber
FROM: Andrew Hicks - Shoreline Administrator
DATE: August 28, 2017
SUBJECT: Applications: SHR2017-00006, SHV2017-00001, SHC2017-00002, SEP2017-00038
Address: 990 Lake Whatcom Blvd / APN: 370420475090, 370420488084

Staff has reviewed the information you submitted with the shoreline permit referenced above and has determined that additional information is required prior to approval and **prior** to submittal of a building permit application.

Please submit a copy of this letter and **all** of the required information listed below to Planning and Development Services (PDS) in one complete package within 180 days of this notice or your Shoreline Exemption application will expire. Once received by PDS, the information package will be re-reviewed in the order in which it was received.

Watersheds/NPDES Phase II (Title 20) – Michael Kershner

mkershne@whatcomcounty.us

More information required for review: Yes (if yes list what is needed below) No

The project proposal consists of the addition of 28 boat/ski lift mooring locations, dredging 150 cubic yards of material from the gravel bar from the mouth of one of the creeks, installation of fire hydrants, standpipes and firelines, and finishing 19-20 patio canopies which were not completed under the previously approved Conditional Use Permit (CUP). The Wildwood Resort is located within the Lake Whatcom watershed and is subject to WCC 20.51 – Lake Whatcom Watershed District Overlay.

A stormwater plan, which demonstrated that the site would accommodate 100% infiltration for the entire site, was approved as part of the previously approved shorelines permits and CUP. This plan was also approved by the Washington State Department of Ecology (DOE).

The additional moorages and the dredging do not trigger any review through WCC 20.51.

The installation of the fire hydrants, standpipes and underground fire lines may affect the ability of the site to infiltrate 100% of the stormwater. The fire lines appear to be located in areas that had previously been amended to guarantee full infiltration. These fire lines may divert stormwater from being infiltrated into the ground. The DOE has also expressed concerns about trenching affecting the performance of the overall stormwater plan. Prior to approval, documentation and details showing that the installation of the fire infrastructure

will not impair the performance of the previously approved stormwater system must be provided.

The stormwater from all (83) of the patio canopies was previously shown to fully infiltrate on site. This analysis, dated July 2, 2012, was provided by a licensed civil engineer (Mike Bratt, P.E.). Whatcom County has found that this analysis is still applicable and therefore the stormwater from all canopies, including the 19-20 that are proposed, have been shown to be fully infiltrated on site.

WCC 20.51.440 requires that no more than 5,000 sq. ft. or 35% of the tree canopy may be removed. No tree canopy removal information was submitted. If the removal of trees is proposed, provide existing and proposed tree canopy locations and calculations.

Prior to Shoreline permit approvals, the following information is required:

- Documentation and details showing that the installation of the fire infrastructure will not impair the performance of the previously approved stormwater system.
- An Erosion and Sedimentation Control (ESC) Plan which indicates how sediment laden water will be prevented from entering Lake Whatcom, critical areas, or adjacent properties.
- A Tree Canopy Retention Plan consistent with WCC 20.51.440.
 - o If no trees are proposed for removal, indicate this in writing.
- A site plan showing the location of all proposed patio canopy covers. The site plan shall also have a table of contents which identifies all applicable map elements.

If you, or the applicant, should have any questions, feel free to contact me at 778-5948 or at mkershne@co.whatcom.wa.us.

Wetlands and HCA (WCC 16.16) – Matt Mahaffie – mmahaffie@whatcomcounty.us

More information required for review: Yes (if yes list what is needed below) No

The project proposal consists of the addition of 28 boat/ski lift mooring locations, dredging 150 cubic yards of material from the gravel bar from the mouth of a creek, installation of fire hydrants, standpipes and fire lines, rebuilding and repurposing a shop building, and finishing 19-20 patio canopies which were not completed under the previously approved Conditional Use Permit (CUP).

The proposal was submitted with no documentation indicating the required compliance for the proposals with WCC 16.16. At a minimum, to begin review for such compliance, a Critical Areas Assessment Report shall be prepared pursuant to the standards found in WCC 16.16.255 and/or a Habitat Management Plan as outlined in WCC 16.16.750. In addition to the basic reporting requirements, all relevant provisions of WCC 16.16 Articles 6 & 7 shall be addressed.

Reporting shall be completed by a qualified professional. Whatcom County carries a list of qualified wetland and stream specialists; however, no list is carried for qualified professionals in the Habitat Conservation Areas (HCA's) associated with the project. It is incumbent upon the applicant to choose a professional that is qualified for such work. The project and reporting scope should be reviewed by PDS staff in conjunction with the retained consultant prior to commencement of work and/or study.

Geohazards (WCC 16.16) – Andrew Wiser – awiser@whatcomcounty.us

More information required for review: Yes (if yes list what is needed below) No

Flood (WCC 17) – Denise Doezema – ddoezema@whatcomcounty.us

More information required for review: Yes (if yes list what is needed below) No

The subject permits to 1) add decks and deck covers to existing park-model pad sites, 2) renovate a shop building, 3) add additional mooring slips to existing docks, and 4) remove gravel in swimming area at the Wildwood Resort on Lake Whatcom has been reviewed for compliance with the Whatcom County Flood Damage Prevention Code (Title 17) and the associated requirements of the Endangered Species Act (ESA). According to the attached Digital Flood Insurance Rate Map (DFIRM) and submitted site map, portions of the proposed project located at 990 Lake Whatcom Blvd. (Parcel #380117-535540) are within a Special Flood Hazard Area or specifically Flood Zone A with a Community Determined Base Flood Elevation of 319.0 feet (City Datum).

1. Proposed Deck and Canopy Conditions

The proposed decks which fall within the SFHA must be must be built according to the submitted drawings and used for the purpose as intended in the applicable permits. Any associated building materials located below the BFE must be water resistant. The structure must be anchored to resist floatation, collapse, and lateral movement.

2. Renovate Shop Building A

Shop Building A is not located within the SFHA, therefore no Flood Conditions apply.

3. Expansion of Mooring Slips & Docks

Per Whatcom County Code, Flood Damage Prevention (Title 17), Section 17.12.030, Part 2, "*review all development permits to determine that all necessary permits have been obtained from those Federal, State or local government agencies from which prior approval is required*". Accordingly, the project is required to obtain permit approval with the Washington State Dept. Fish and Wildlife (DFW);

- A copy of the approved DFW permit must be submitted to the River and Flood Division and/or Planning and Development Services prior to start of any work.
- The project must be constructed in accordance with the submitted plans/drawings and supporting documentation.

4. Gravel Removal

Per Whatcom County Code, Flood Damage Prevention (Title 17), Section 17.12.030, Part 2, "*review all development permits to determine that all necessary permits have been obtained from those Federal, State or local government agencies from which prior approval is required*". Accordingly, the project is required to obtain permit approval with the Washington State Dept. Fish and Wildlife (DFW);

- A copy of the approved DFW permit must be submitted to the River and Flood Division and/or Planning and Development Services prior to start of any work.
- The project must be constructed in accordance with the submitted plans/drawings and supporting documentation.
- All dredged material must be deposited outside the Special Flood Hazard Area.

Lake Whatcom is not listed as Critical Habitat for endangered/listed species; therefore a Floodplain Habitat Assessment is not required for compliance with the ESA. Furthermore, it is our understanding that because the Lake is regulated by the State a US-ACOE permit is not required.

Based on our review of the submitted information we have determined that the project complies with Title 17 and the ESA provided that all the above referenced conditions are met.

I hope this information is helpful, feel free to contact me at (360) 778-6213 with any questions.

Shorelines (Title 23) – Andrew Hicks- ahicks@whatcomcounty.us

More information required for review: Yes (if yes list what is needed below) No

Comments:

Shorelines staff has reviewed the proposal to expand the marina, dredge up to 133 cu. yds of gravel and silt from the swim area/marina, and add patio canopies to 19 park-model units within shoreline jurisdiction at Wildwood Resort.

Two site plans were submitted with the above referenced application materials. Neither site plan appears to accurately depict all of the requested improvements as outlined in the project narrative and the answers provided to application questions. One of the site plans appears to be a master site plan from a previous substantial development application. This site plan provides a detailed layout of the entire Wildwood Resort but does not appear to accurately identify what is currently existing or what is being proposed through the application requests currently under review. The second site plan is a less detailed, not-to-scale rendering of the marina area that appears to show some of the elements of the current proposal but also appears to be missing key information (i.e. identification of area to be dredged, location of proposed patio covers, location of proposed jet ski slips, fire protection improvements, etc.). A scaled site plan, accurately showing all existing development and proposed development, needs to be submitted.

The marina and campground resort were granted legal nonconforming status on May 18, 2007 by Whatcom County Planning and Development Services through a formal request for legal nonconforming status by Wildwood Resort (File #NON2007-00008). Pursuant to WCC 23.50.070.E, expansion of non-conforming structures, other than single-family residences and their appurtenances, requires a variance. In order for a variance to be approved, the applicant/proponent must demonstrate that the variance criteria set forth in WCC 23.60.030 can be met. Staff could find no analysis of the variance criteria as it relates to the proposed improvements. Please provide an analysis that demonstrates how this proposal meets the variance criteria set forth in WCC 23.60.030.

Based on the application materials submitted, it is unclear why the proposed dredging is needed. In one section of the application, the dredging request seems to be based on the use of the swim area. In another area of the application it is stated that the dredging is needed to allow moorage. Please clarify, in a single narrative, why the proposed dredging is needed. This narrative should provide current depth intervals in the areas where dredging is proposed. Pursuant to WCC 23.100.040.3.d, marinas and accessory uses shall be located where water depths are adequate to avoid the need for dredging and minimize potential loss of shoreline ecological functions or processes. Therefore, if the dredging is for the marina usage, then WCC 23.100.040.3.d should be considered and an alternatives analysis should be provided that explores relocation of any affected docks to areas that provide adequate depths. If an alternatives analysis concludes that dredging is justified, please detail the dredging methodology (including how spoils are to be disposed of).

The application materials do not adequately detail what improvements would be made to accommodate the proposed jet ski moorage. Please provide this information. Additionally, identify the jet ski moorage slips on a revised site plan.

Pursuant to WCC 23.90.080, consideration of public access shall be required for all substantial developments and conditional use permits. Additionally, per WCC 23.100.040.B.2, marinas shall provide public access for as many water-dependent recreational uses as possible, commensurate with the scale of the proposal. No information was provided that show how public access is currently accommodated nor if/how additional public access will be provided to account for the proposed increase in scale of the marina. Please provide this information.

Prior to Shoreline permit approvals, the following information is required:

1. Submit a detailed site plan, drawn to a standard engineering scale (i.e. 1"=10', 1"=20' etc.), showing all existing development and which also clearly identifies proposed improvements or development activities.
2. Provide a detailed analysis of how your proposal satisfies all of the variance permit criteria set forth in WCC 23.60.030.
3. Provide an alternatives analysis for the proposed dredging that is consistent with WCC 23.90.120 and WCC 23.100.040.3.d.
4. Explain/show what structural improvements are needed to accommodate the proposed jet ski moorage.
5. Provide a statement on how public access is currently being accomadated and how public access will be increased commensurate with the proposed increase in scale of the marina.
6. Provide a breakdown of how many mooring spaces are being added for boats vs jet skis. This breakdown should distinguish between dock slips and mooring bouy slips. All moorage slips shall be clearly identified on the site plan.

If you have any questions regarding these requirements please feel free to contact me. If needed, staff can set up a meeting to discuss the requirements listed above.

Fire Marshal (International Fire Code) – Will Anderson – wanderso@whatcomcounty.us
More information required for review: Yes (if yes list what is needed below) No

Comments:

The Whatcom County Fire Marshal's Office requires that the applicant demonstrate compliance with the following requirements prior to permit approval. A revised site plan is required to show where, if applicable, each of the required fire protection components listed below will be located.

1. Fire Protection Equipment- per IFC 2015 Edition Chapter 36 Section 3604- docks servicing fire or more vessels and marine motor fuel-dispensing facilities shall be equipped with fire protection equipment.
2. Separate Fire Marshal's Office permit is required for the installation of underground fire lines, hydrant(s), and Standpipe system to all docks including the fuel dock. Plans, Calculations, and cuts sheets shall be provided by a licensed Washington State Engineer for the standpipe system. Standpipe system must meet NFPA 303.
3. Fire hydrant(s) shall be located with 100' feet of standpipes.
4. Fire Access is required with 150' of all docks.
5. Fire access road width is 20' feet wide.
6. Fire access road width in front of hydrants is required to 26' wide for a total of 40' feet. 20' feet in each direction on center of the hydrants.
7. Dead end roads over 150' long are required to have an approved Fire truck turn-a-round.

8. Fire extinguishers are required at each required standpipe connection of ordinary moderate hazard type.
9. Communications. A telephone shall be provided and maintained on the site in a location approved by the fire code official.

The proposal shall comply with all applicable codes and ordinances adopted by Whatcom County. Any overlooked hazardous condition and/or violation of applicable code does not imply approval of such condition or violation.

Please wait to submit your building permit application until you have received approval via a Shoreline Substantial Development permit.

For specific requirement questions, please contact the applicable NR staff person listed above by email or at (360) 778-5900.

Please note: This document and attachments may include appealable decisions pursuant to the applicable regulations. Please contact the reviewing staff person for additional information and associated time limitations.