



May 27, 2005

Ted Mischaikov
Fairhaven Harbor Company, LLC
909 Harris Avenue #201-F
Bellingham, WA 98225

Steve Sundin
Bellingham Planning Department
210 Lottie Street
Bellingham, Wa 98225

I certify that I mailed a copy of this document to the persons and addresses listed, postage prepaid, in a receptacle for United States mail in Bellingham, Washington on May 27, 2005.

A handwritten signature in black ink, appearing to be "B. Sundin", is written over a horizontal line.

Dear Mr. Mischaikov and Mr. Sundin :

Re: Shoreline Substantial Development Permit SHR2004-00008
Shoreline Conditional Use Permit SHC2004-00008
FAIRHAVEN HARBOR COMPANY, LLC - Applicant
Shoreline Permit 2005-NN-00017

The Department of Ecology (Ecology) has reviewed the above referenced shoreline permits for the construction of a three-story (with under-building parking) mixed use and one 7-9 story mixed use building together with related street improvements, stormwater facilities, and public access/riparian enhancements all to be located near Padden Creek. The proposal, as conditioned by the City of Bellingham and Ecology, meets the intent of the City's Shoreline Master Program and the policy enumerated in RCW 90.58.020 and WAC 173-27-160. Other federal, state, or local approvals may be required. The shoreline conditional use permit is hereby approved with the following additional conditions:

12. The right-of way improvement plan required by the Hearing Examiner's condition # 3 shall be reviewed and approved by Ecology's Bellingham Field Office prior to implementation. Said plan shall also include the design and layout of the items described in condition #2 of the Hearing Examiner.
13. The shoreline vegetation & monitoring plan required by the Hearing Examiner's condition # 4 shall be reviewed and approved by Ecology's Bellingham Field Office prior to implementation.



Ted Mischaikov
Steve Sundin
May 27, 2005
Page 2 of 2

14. The lighting plan required by the Hearing Examiner's condition # 5 shall be reviewed and approved by Ecology's Bellingham Field Office prior to implementation.
15. The plan addressing trail connection and signage to be provided to the Public Works and Parks and Recreation Departments and required by the Hearing Examiner's condition # 6 shall be reviewed and approved by Ecology's Bellingham Field Office prior to implementation.
16. A stormwater plan addressing the entire site and including the facility described in the Hearing Examiner's condition # 7 shall be reviewed and approved by Ecology's Bellingham Field Office prior to implementation. Pre-construction and construction period sampling and post-construction monitoring shall be required under the direction of Ecology's Bellingham Field Office. The plan shall be developed with guidance from Ecology's Bellingham Field Office and modeled in general after a standard Ecology Stormwater Pollution Prevention Plan.
17. The applicant hereby authorizes Department of Ecology staff and their designees to have access to the subject property for the purposes of compliance inspections. Such right of access shall begin from the date of the receipt of this letter and extend for a period of five years following project completion. Department staff must provide reasonable verbal notice to the applicant or their designee prior to coming onto the site.

This conditional approval is given pursuant to requirements of the Shoreline Management Act of 1971. The Shoreline Management Act of 1971 provides that a request for review (appeal) before the Shorelines Hearings Board may be filed within twenty-one (21) days from the transmittal date of this approval. Guidelines for filing a request for review (appeal) are available from the Shorelines Hearings Board at (360) 459-6327. If you have any questions on the above action, please contact Barry Wenger at (360) 738-6245.

Sincerely,

Richard M. Grout

Richard M. Grout
Manager



RG:bw

Cc: BFO Reading File Shoreline Permit File #18997