



DAVID EVANS
AND ASSOCIATES INC.

MEMORANDUM

DATE: March 28, 2024

TO: Steve Sundin
City of Bellingham, Permit Center
210 Lottie Street
Bellingham, WA 98225

FROM: Susan Driver

SUBJECT: Conditional Use Permit Memo (Revised to correct several non-substantive technicalities)

PROJECT: TRAE0000004
Conduit Bank Extension Project

CC: Enter Names or Emails

The Bellingham Municipal Code (BMC) contains specific instructions for applicants of Conditional Use Permits (CUPs). BMC 22-06 C states:

Prior to the granting of a conditional use permit, as specifically required by this program or for uses which are not classified as such by this program, the applicant shall demonstrate all of the following:

- 1. The provisions spelled out in the master program have been met and the proposed use is consistent with the policies of the Act;*
- 2. The proposed use will cause no significant, adverse impacts to the shoreline environment, ecological functions, or other uses;*
- 3. The proposed use will not interfere with the normal public use of public shorelines;*
- 4. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and the program;*
- 5. The proposed use will not be contrary to the purpose and intent of the environment designation in which it is located and the general intent of the master program;*
- 6. The proposed use(s) shall provide a long-term public benefit in terms of providing public access or implementing habitat restoration that is consistent with the goals of this program; and*
- 7. That the public interest shall suffer no substantial detrimental effect.*

This memo will address how the Conduit Extension Project on Roeder Avenue will comply with each of the seven criteria for a Conditional Use Permit.



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Project Location and Description:

The project site is along Roeder Avenue from C Street to Central Avenue, in Bellingham, Washington. The project crosses the Whatcom Creek Bridge.

Installation of additional power and telecommunication conduit along Roeder Avenue from C Street to Central Avenue. Two 6-inch, eight 4-inch, and four 2-inch conduits will be installed. Conduits will be hung under Whatcom Creek bridge and suspended over the waterway. In order to connect to the conduits in the roadway, the contractor will core through the east and west wingwalls and excavate a trench under the concrete approach slabs. A construction stormwater pollution prevention plan (SWPPP) will be prepared.

Work will be completed over Whatcom Creek, but is not proposed below the OHWM or the 100-year floodplain elevation.

Barges may be used to support construction adjacent to the bridge, but no in-water work will be necessary. Barges would be anchored via tie-offs to the bridge and not spud or block anchors underwater. Current, preferred plans indicate the contractor would construct a temporary work platform and catchment netting containment system that hangs from the bridge during installation of the conduits.

BMC Criteria:

1. The provisions spelled out in the master program have been met and the proposed use is consistent with the policies of the Act.

Bellingham Bay below extreme low tide (approximately -4.5 feet) is identified in BMC Title 22 as Shorelines of Statewide Significance. As such, this proposal will follow the goals, policies, and regulations provided for the Aquatic shoreline environment designation. Upon careful review, no deviation from these goals, policies, and regulations have been identified within the proposed actions.

2. The proposed use will cause no significant, adverse impacts to the shoreline environment, ecological functions, or other uses.

The proposed use will have no impacts to the shoreline environment or ecological functions, as the project elements will be located entirely within existing transportation ROW and out of the water.

3. The proposed use will not interfere with the normal public use of public shorelines.

The proposed use will not affect the shoreline in any way. During construction, public access to the shoreline under the construction site will be restricted for public safety, similar to the detours of vehicular and pedestrian traffic on the roadway. These impacts will be temporary.

(See BMC 22.03.030.B.2.g related to prohibiting public access where it would compromise the health, safety and welfare of the general public.)



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4. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and the program.

The project is compatible with and furthers the Comprehensive Plan uses intended for the area by providing for improved power and telecommunications access within the Waterfront Revenue Development Area for the adjacent Urban Village and Commercial areas.

5. The proposed use will not be contrary to the purpose and intent of the environment designation in which it is located and the general intent of the master program.

The proposed project is within the Aquatic shoreline environment designation. The Use Chart in BMC 22.03.030 (E)(4) identifies Roads, Railways, and Utilities as conditional uses under this designation. As such this proposal is within the intent of the SMP environment designation.

6. The proposed use(s) shall provide a long-term public benefit in terms of providing public access or implementing habitat restoration that is consistent with the goals of this program.

The proposed use will provide a long-term public benefit, but will not in any way impact public access to the shoreline, habitat quality, or water quality. The long-term public benefit will be to provide needed utility infrastructure to allow for economic development in this urban area. This development then furthers public access to the shoreline and waterway.

7. That the public interest shall suffer no substantial detrimental effect.

The public interest will not be affected by the proposed project, as it will not permanently infringe on access or viewsheds to either the shoreline or the waterway.

The above responses demonstrate that this utility extension project within the Waterfront Revenue Development Area is compatible with the city's Comprehensive Plan and development goals by furthering economic development in this urban core. They also demonstrate compatibility with the city's Shoreline Master Program by encouraging future public shoreline access opportunities, while avoiding impacts to the shoreline, water quality, and habitat.

Attachments/Enclosures: List Items

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