

# Fairhaven Neighbors

PO Box 4142, Bellingham, WA 98227

April 20, 2022

## **STATEMENT BY THE BOARD OF DIRECTORS OF FAIRHAVEN NEIGHBORS AFFIRMING FAIRHAVEN NEIGHBORS' RIGHT AND INTENT TO ADHERE TO THE MULTIMODAL POLICIES IN THE CITY OF BELLINGHAM'S FAIRHAVEN NEIGHBORHOOD AND URBAN VILLAGE PLAN (FNUVP)**

Fairhaven Neighbors is a nonprofit corporation organized in 1988 with purposes stated in its Articles of Incorporation, *"to preserve, protect, and enhance the physical, economic, and social well-being of the Fairhaven neighborhood, as the neighborhood is defined by the City of Bellingham's Comprehensive Plan; to provide a means for citizen involvement in broader community and civic affairs; to represent the Fairhaven neighborhood to the City of Bellingham; and to perform other charitable acts..."*<sup>1</sup>

The Board of Fairhaven Neighbors requests that the City of Bellingham acknowledge that pedestrians in the RT-2 and RT-3 subareas of Fairhaven have equal access to the public rights-of-way and that installing sidewalks in this unusual sub-neighborhood would cede this set of streets to vehicles. The Board of Fairhaven Neighbors further requests that the provisions of FNUVP Policy 5.7 be codified in such a manner that the intent of the policy is enforced in an affirmative manner.

The City of Bellingham, Fairhaven Neighbors, and others, worked together between December 2010 and August 2012 *"to complete an extensive and innovative citizen involvement process that successfully engaged disparate stakeholder groups and resulted in the creation of the Fairhaven Neighborhood and Urban Village Plan, development regulations and design standards."*<sup>2</sup>

The Bellingham City Council unanimously approved a motion by Council Member Fleetwood on August 13, 2012, to adopt Ordinance No. 2012-08-041 that adopted the FNUVP and simultaneously amended the Bellingham Municipal Code to *"adopt the FNUVP and associated design standards and development regulations."*<sup>3</sup>

In the adopted FNUVP Chapter 5 Multimodal Transportation & Circulation, the Fairhaven Transportation Goals and Policies included, *"Policy 5.7 Encourage more walking and bicycling and slower vehicle speeds in Fairhaven's older residential area by adding 25 mph signage along Cowgill Avenue and 4<sup>th</sup> Street, keeping the streets narrow, and not improving them with curbs, gutters, or sidewalks."*<sup>4</sup>

Chapter 5 of the FNUVP supports Policy 5.7, noting the Street Network for the *"Fairhaven Residential Streets (4th, 6th, 8th, 10th, Donovan, Wilson, Cowgill) South of the Larrabee Avenue forested right-of-way and north of the Edgemoor Neighborhood...are narrow...No streets have curbs, gutters, or sidewalks...The narrow width of these streets requires vehicles to travel at extremely slow speeds, which contributes to the pedestrian-friendly nature of the neighborhood."*<sup>5</sup>

Chapter 2 of the FNUVP, Subarea Descriptions and Land Use, supports Policy 5.7 by noting that, for the subarea, RT-3, that, *"Pedestrian use of streets and trails link neighbors to each other and to surrounding areas. Sidewalks are not warranted nor desired by current residents,"*<sup>6</sup> and there is no statement in the FNUVP that sidewalks are warranted or desired in the RT-2 subarea.

Ordinance 2012-08-041 adopted amendments to the Bellingham Municipal Code to incorporate FNUVP Design Standards and Development Regulations in BMC 20.37 including BMC 20.37.340 B. Street Improvement Requirements as an attempt to implement FNUVP Policy 5.7. This section clearly states that *“Modifications to (street improvement) requirements may be approved by the planning and public works directors when: The directors find that imposition of the required street design would be detrimental to the interest of the neighborhood (subsection B.3.b); The directors find that the modifications will provide an equal or better solution that is consistent with the goals and policies in the FNUVP (subsection B.3.c).”*<sup>7</sup>

Fairhaven Neighbors and most residents in the RT-2 and RT-3 subareas have placed a high value on the unusual, pedestrian-oriented nature of the public right to paved streets in Fairhaven Neighborhood subareas RT-2 and RT-3. Many residents respect and value this unusual streetscape as an historic, cultural resource that everyone may use.

Fairhaven Neighbors strives to represent the interests of the neighborhood when issues are brought to the Board of Directors of the nonprofit corporation.

The Fairhaven Neighbors can *assert a public right to preserve, protect, and enhance the physical, economic, and social well-being of the Fairhaven neighborhood*, including by adhering to the FNUVP policy that noted that curbs, gutters, sidewalks, and wider streets were not desired within the RT-2 and RT-3 subareas of the neighborhood.

Fairhaven Neighbors asks the City to agree in writing that the City’s FNUVP policies ensure pedestrians shall have equal street access in the RT-2 and RT-3 subareas’ rights-of-way by not building sidewalks or widening streets in these areas, that BMC 20.37 authorizes a departure from BMC 13.04.070 and other requirements to facilitate this right, and that motorized vehicles do not have priority over pedestrians using the subareas’ rights-of-way that have been shared, historically, since the era before the platting of the Fairhaven Land Company’s Second Addition to Fairhaven in 1889.

This Statement Approved in April 2022 by the Board of Directors of Fairhaven Neighbors.

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<sup>1</sup> Excerpt from Articles of Incorporation of Fairhaven Neighbors, a Washington nonprofit corporation

<sup>2</sup> Excerpt from City of Bellingham nomination of the FNUVP for an award in the category of Citizen Involvement, received in 2013 during the statewide APA-PAW Joint Awards Program

<sup>3</sup> Excerpt from the official title of COB Ordinance 2012-08-041 adopting and implementing the FNUVP

<sup>4</sup> Excerpt from FNUVP Multimodal Transportation & Circulation Goals and Policies, page 37 of the FNUVP

<sup>5</sup> Excerpt from FNUVP Fairhaven Neighborhood and Arterial Street Network, page 39 of the FNUVP

<sup>6</sup> Excerpt from FNUVP Subarea Descriptions and Land Use, page 24 of the FNUVP

<sup>7</sup> Excerpt from BMC 20.37.340 B.3.c.

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**Fairhaven Neighbors...working together to preserve, protect,  
and enhance the Fairhaven neighborhood in Bellingham, Washington.**