

Minutes of the Fairhaven Neighbors General Meeting  
September 9, 2005

Fairhaven park Pavilion, 7:00-8:30 p.m.  
Seventeen neighbors in attendance

1. Meeting called to order by President Thom Pritchard, who asked everyone to briefly introduce themselves.
2. The first order of business was the selection of a new monthly meeting date. Friday evenings has proved difficult for many people. It was agreed that the 4th Wednesday of the month would be the new date.
  - a. Next FN general meeting Wednesday, September 28th, 7:00 p.m.
  - b. Michael will send out announcements to the local press approximately one week prior to the meeting date.
  - c. Lori Wilkinson will call the Parks Dept. to reserve the Fairhaven Park pavilion, and to verify that that time and date will be available for the rest of the year.
3. Brennan Schumacher has moved to the South Hill neighborhood and has respectfully resigned from the FN board. Members were asked to consider possible candidates to take over for him.
4. Ralph Thacker nominated Pam Wendt for the status of associate member, for those individuals who live/work in Fairhaven, but who address is outside of the city's official boundaries. Seconded by Glenn Denckler. Passed without dissent by voice vote.
5. Treasurer Glenn Denckler gave a report of recent fundraising efforts for the Padden Creek Protection Fund, to pay for the legal appeals process to overturn the permit to build within the 100-foot setback from Padden Creek. As Thom said, our efforts to protect this one creek will actually benefit all of Bellingham's creeks and environmentally sensitive areas, by setting a precedent.

We have received a total of \$3,473.24 within the last month or so, of which approximately \$2,400 was the result of over 300 letters sent directly to people who had written or spoke up about this issue, particularly at city hearings. Glenn is pleased, but has no plans to slow down fundraising efforts since our legal costs may easily approach \$10-15,000 in the end.

A doorbelling committee headed up by Lori Wilkinson has drafted a 5-page handout packet to be distributed by the door-bellers, as they visit people's houses.

Michael Lilliquist gave a brief update on plans for a Padden Creek Benefit Event, to be held Saturday, October 22 at the Firehouse PAC on Harris

Avenue. So far, we have an anchor act, singer Tracey Spring, but we need opening acts, as well as items/services for a silent auction. He requested all the help he can get, particularly in lining up talent. We're not looking for anything too polished: fun and folksy would be just great.

Possible performers discussed includes the Raging Grannies, Dana Lyons and his impromptu Chuckanut Ridge Boys. Musician Laura Smith may be out of town that evening. Ralph said that he would talk to Dana about performing.

6. Update on the legal appeals process. In response to FN's lawyer's filings, the city has decided to hold hearings to reconsider the Shoreline Substantial Development Permit. The hearings is not yet scheduled, but comments are being received from now until Oct. 3rd. The original appeal to the state Shoreline Review Board has received a stay, and due to scheduling load, may not be heard until sometime early next year.

It was agreed that we need to orchestrate a campaign against the granting of the development permit. Both individuals and the association should write letters to the Planning Commission. Ralph and Sue Kaun agreed to write a draft letter to be reviewed at our next meeting. Michael suggested that Sue's list of the environmental studies documenting the value and vulnerability of Padden Creek and estuary could serve as the bulk of such a letter, with a simple cover letter attached.

The appeal and the upcoming hearing before the Planning Commission's Shoreline Committee are said to concern only that part of the development within 200 feet of the creek. They currently do not consider the impact of the 7-to-9 story tall building on the east portion of the block. It can be argued, however, that this tall building is relevant, in as much as "total impact" must be considered, and this block represent the last undeveloped space along the up-hill side Harris, and impermeable cover is arguably the single greatest threat to the creek.

Technically the 7-to-9 story tall portion has already been approved, and there is no zoning limit on height in this area. In other words, "height" per se cannot be the basis of a challenge. However, the project still has to go through a design review, and the bulk and shadow of the building might be challenged as harmful to the character of Fairhaven.

The strength of our appeal to the Shorelines Review Board has always been the environmental argument, and this remains are strong suit, both at any eventual hearing, as well as before the Planning Commission when it reconsiders the Substantial Development Permit.

Thom believes that our follow-through on the opposition's interrogatories may have convinced the developer's attorney that we are serious, and that

Fairhaven Neighbors will not be put off by paperwork alone. He congratulated all those people who spent so much time responding to the interrogatories, such as Sue Kaun, Jim Johannesson and others.

7. It was proposed and agreed that we should post the city's notifications on the message board, for those people who are not on the notifications lists. Dave Carlsen pointed out that we do not have to post un-altered versions of the boring official notices -- they can be edited, clipped, and annotated.

8. Michael gave a report on two related projects going before the city: The building being added on to the back of the Waldron Building along MacKenzie Avenue, and an adjoining underground parking lot that would lie directly under Mackenzie.

The building, as planned, is taller than the permitted 35' limit by nine feet. The developer, Stu Stovin, is asking for a variance, which has to go before the city council, scheduled for Sept. 19th. According to planner Jackie Lynch, the variance can be granted if the council is convinced that there will be no negative impacts on view. According to Jackie, since there is already a tall building to the south, east, west and north, there will be no appreciable loss of view. Comments should be sent to the council or to Jackie (jlynch@cob.org) by the 19th.

The underground parking garage will be entered by a ramp going down from the middle of Mackenzie, connecting to the central median. The exit is from underneath the building itself, just to the north. The entrance ramp will result in a net loss of six spaces, meaning that the developer must come up with six other spaces to make up for the loss. Jackie thinks he might be able to do this. Other problems include two stairways that come up through the sidewalk and a 12" by 12" brick building for ventilation of the underground parking. Jackie questions both of these, and notes that any loss of right of way must be justified by some benefit to the public.

All development costs and replacement of MacKenzie will be born by the developer, who will -- strangely -- not really own the right of way, but will be able to build under it and will have to pay taxes on it. Also, any development underneath MacKenzie will limit any future development above ground, such as a possible above-ground parking garage. Comments of the parking garage should also be sent to Jackie.

9. Ralph said that he has heard about a new project being proposed close to Padden Creek, next to the 76 gas station on 12th. It would be an L-shaped building. He said that he would try to learn more about it.

10. Finally, the comment period for the draft of the city's Critical Areas Ordinance ends Oct. 2nd. The draft is great in many ways, and long overdue,

but Sue notes that the set-backs for Padden estuary are 75-150 feet, not the typical 200 feet. She urges everyone to express their opinion to the city.

Meeting adjourned at 8:30 p.m.

minutes submitted by Michael Lilliquist, FN Secretary, 9/10/05