

WHATCOM COUNTY COUNCIL  
**Planning and Development Committee**

January 31, 2006

Committee Chair Seth Fleetwood called the meeting to order at 3:00 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present:  
Barbara Brenner  
Dan McShane

Absent:  
None

Also Present:  
Carl Weimer

**SPECIAL ORDER OF BUSINESS**

**1. ELECTION OF COMMITTEE CHAIR (AB2006-022)**

*Brenner moved* to nominate Councilmember Fleetwood.

*Motion carried unanimously.*

**COMMITTEE DISCUSSION**

**1. DISCUSSION WITH JONATHON SITKIN AND TOM FIELDS REGARDING CONCURRENCY ISSUES (AB2006-060A)**

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31 Jon Sitkin, 1500 Railroad Avenue, stated he wants to continue a discussion he's had  
32 with County staff and set forth the issues confronting Fire District 13 in providing fire and  
33 emergency response in the Birch Bay urban growth area (UGA) at urban levels of service.  
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35 The County Code says no subdivision or development shall be approved unless the  
36 service provider indicates it has adequate capacity to provide urban levels of service. The  
37 district can define urban level of service, but in many instances, the County already has.  
38 It's appropriate the County does that, in consultation with the districts and other  
39 professionals, in the County Comprehensive Plan. The Birch Bay Subarea Plan defines  
40 emergency response levels of service. It did not address fire level of service, but there are  
41 national standards. It is similar to the four to six minute response defined in the  
42 Comprehensive Plan for emergency medical response. The district now has the urban  
43 growth area in its jurisdiction. It must meet that level of service. It has limitations and an  
44 inability to provide that level of service. It requires a new level of staff, different  
45 equipment, and reallocation of equipment. In addition, the level of service of roads is a  
46 factor to response times. The location of the urban growth area can affect where stations  
47 are located now and in the future.  
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49 In the past, the district has asked for notices from County staff about new  
50 development. There are over 1,000 new lots that are just residential. The district can't  
51 maintain it's current level of service, which is well below the urban level of service. If it  
52 could, the district would serve the development, but it may not respond in a timely manner.

Now that the district engages in transport, it sends people away from the station on every transport. They can calculate the number of callouts to determine the impact to the district.

The district has a couple of choices. It can say that it won't provide services, and let the County deal with it. The district could say it will provide urban levels of services, but that would be inaccurate. The district could say it won't provide services until there is a mechanism to achieve this level of service. The district has chosen to develop an analysis of the cost to reach this level on a per unit basis and engage in a capital facilities planning process. It has identified an interim concurrency mitigation fee. If the developer executes an agreement with the district to pay the per unit fee, it will say it has adequate capacity. If developers don't pay the fee, the district will have to say it doesn't have capacity to serve the development. A number of developers have agreed to pay the fee. The district is commenting as it gets notice from the County. The district is working on an interim mitigation fee that translates the average daily trip of a residence to what a commercial structure would be. More in-depth analysis can't be done without getting the capital facilities planning analysis done. Subdivision statutes of the State require a finding of adequate provisions for public health and safety for development approval.

Brenner stated she recalled that Mr. Sitkin has said this to the Council before. She asked if there is new information. Sitkin stated he hasn't been to this committee before, but there may have been a discussion of a plat that was approved without the district being made aware of it. After that decision was made and the district wasn't advised, the applicant encouraged that a condition be changed that the district and Hearing Examiner already agreed to. The district has been reaching out at every level to make sure everyone is aware of the district's issue. When done with the capital facilities plan, the district will approach the Council with an interlocal agreement to be incorporated in the two comprehensive plans.

29 Tom Fields, Fire District 13 Chief, stated they came up with figures and have  
30 concerns. He looked at the amount of paperwork coming into the district about all the  
31 different developments in the Birch Bay urban growth area. He determined the district  
32 couldn't serve them at a non-urban level of service in terms of response times, let alone an  
33 urban level of service. The standard is something the district will strive for, but few districts  
34 in the state and nation can comply with that standard of four to six minutes. It's a good  
35 measuring point they will use for level of service in the urban growth areas. There are  
36 1,100 new housing units going into the urban growth area of Birch Bay.

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38 As of November, there are 1,100 new homes going into the Birch Bay UGA, with 2.8  
39 people occupying each unit. Based on the average number of calls to which they're  
40 responding to and the population served, there is one response for every ten people in  
41 population. Therefore, the number of new units totals an increase of 380 additional  
42 responses. About 70 percent of those would be emergency medical care, which kicks in the  
43 four to six minutes response time. Of the 70 percent emergency medical care calls, 60  
44 percent requires the basic level of service (BLS). North Whatcom is a big user of the  
45 emergency medical service (EMS) system. Now, they are averaging five calls per day.  
46 Being a big user, the district had to participate in the BLS services. When he looked at the  
47 60 percent, it is an increase of transport time for an agency that's never transported in the  
48 past. That transport time puts the unit out of service for 90 minutes per call. There will be  
49 an additional 195 hours per year out of service just for BLS calls alone. The other 30  
50 percent of calls is about fire, haz-mat, and other types of responses.

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52 Currently, one fire station is staffed with three firefighters 24 hours per day, seven  
53 days per week. Because of call loading and response time, the district will need to staff

another station. When the district did its first planning process for facility location, he identified the location to equally serve both Birch Bay and Blaine. That was before 9/11. Now, there is a train x-ray location cutting the service area in half. They can't get across the train. That requires improvements in staffing at the Birch Bay station.

Also, there are additional demands for service. They can no longer meet demands with one three-person crew. The 195 hours is in addition to what they are already doing. Many volunteers are daytime employees that don't respond. Staffing costs for 11 fire fighters to staff the station is approximately \$760,000 per year. Of the 1,100 housing units valued at \$300,000 each, the revenue generated would be \$470,000 upon completion of the units. There is already a shortfall. It is less than the cost to staff the station. The difference is revenue they are now banking for capital improvements for the future. They do not have a facility right now. The Birch Bay station doesn't meet current safety standards for housing firefighters, and will cost about \$500,000 to upgrade.

Because of a lack of information regarding traffic, they need information on what this growth will do to the infrastructure. Those traffic flows may dictate the location of the additional station. They may have to staff more than one station. The next obvious station would be the Semiahmoo station. Depending on how road infrastructure is developed, they may be able to use the Semiahmoo station to serve part of Birch Bay. It would cost \$350,000 to modify that station. They knew they had to make those two facility improvements.

In addition, the ladder truck will be 30 years old in 2007. The district will lose credit in its insurance rating if the truck is not replaced. The district will have to replace the ladder truck soon. The district will have to go from an 85-foot ladder to a 100-foot ladder at a cost of \$100,000. Four engines will have to be replaced in the next five years, at a cost of \$500,000. All total, divided by the number of units being developed, is the fee proposed.

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The district collects tax revenue now. Some is set aside to replace ladders, improve stations, and buy new engines. Most of that will be consumed by staffing a second station. He hopes to get this program in effect, then work with the County Planning Department and County Council to develop ways to make improvements so they don't run into these issues in the future.

McShane asked what they would do that if they don't do it this way. Fields stated the elected officials of the district have taken a hard line on this. People moving out of urban areas such as Seattle and Bellevue are bringing with them that expectation of urban levels of service. If the district doesn't come up with something, it will have to say no, which will create a problem for all the developments that have invested in the urban growth area. If the district can't get some kind of mitigation fee, it won't sign concurrency letters in the future.

Sitkin stated that if the district does say no, and provides a more rural level of service, the insurance rating will go up and increase the homeowners' insurance dramatically.

McShane stated it seems that the only way for the taxpayer to win is to maintain the current level of tax from the fire district is to provide this capital program and agree to it, otherwise they are going to get dinged one way or another. Fields stated the levy rate is right up against its taxing limit.

McShane asked if the estimates include the district's share of the BLS transports. District stated the district bills for BLS transport. However, its volunteers are having a hard time stepping up to the plate to do that. New costs associated with that includes dispatch fees for BLS transport.

McShane stated the district is trying to incorporate additional costs of taking on BLS transport that the City of Bellingham did in the past. He asked if that is incorporated into the plan. Fields stated it is included.

McShane stated service is provided by the countywide EMS service provider. As the county grows, there will be increased demands on capital improvements to the advanced life support (ALS) system. There could be a new shared facility. He asked if all the districts have talked about concurrency at that level. Fields stated the concurrency letter from the district was drafted by the district attorney. It is quite different. The EMS component is part of the district concurrency, including the concurrency mitigation fee. If the concurrency mitigation fee isn't paid, the EMS system could be affected. Now, the district receives nothing from the EMS plan. There are costs incurred with the BLS system. The district does not break even with the BLS transport system. The district collects about 68 percent of the cost. The district augments its EMS service with property taxes for fire. The mitigation fee fits into that plan. They will have to add new ambulances. A lot is involved in the planning process. They need the money to meet capital improvement requirements and operate at the industry and Comprehensive Plan standard.

McShane stated much of the cost of the new EMS program was to provide significant capital improvements that weren't being met by any concurrency requirements. A lot of the pressure is being passed on to the fire districts. Fire District 13 is responding appropriately. If they are going to increase Medic One units, there may be another way to fund it other than hitting up the taxpayers.

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Brenner asked if the district has to provide that urban level of service that people expect. She asked if people understand there isn't the same kind of level of service here. Fields stated he believes people understand that. However, they do expect a response time that is better than 12 to 14 minutes, which is what he's talking about. People see that the Comprehensive Plan identifies a response time of four to six minutes. He is concerned that the County Comprehensive Plan identifies the four to six minutes for emergency medical response.

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Sitkin stated the Birch Bay Subarea Plan was passed, but unfortunately not all the various service providers were integrated into that process. The response time questions should have been addressed up front, but they weren't. Developers are asking the district for concurrency letters for approval. This is the district's approach for handling the issue.

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Fleetwood asked for the general timeframe of the capital facility planning, public process, and interlocal agreement. Sitkin stated the district will issue the RFP for a consultant this spring. There may be a delay depending on how it gets integrated with the County transportation planning. The goal is to get the consultant by May.

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Fields stated planning consultants advised him that there will be results within six to eight months from when the consultant is chosen.

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Brenner asked about the response time. Fields stated the Comprehensive Plan specifies four to six minutes for the initial response, and 15 minutes for an ALS unit.

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Brenner stated the Council needs to review those response times. She'd like to know if people in urban growth areas generally expect a response in four to six minutes. She would be surprised if they really do.

Fields stated another issue is whether Birch Bay becomes a city. They have to prepare for that now.

McShane asked about State requirements. Fields stated the industry standards for urban areas and rural areas are a huge discussion point throughout the nation. There is an issue of paid personnel.

McShane asked if there is something with insurance that requires the more urban level of service. Fields stated few require urban levels of service, but when the lawsuit hits the table, the first thing they are going to come up with is the statute and the second thing is the national standard, and the third thing is predominant good practice.

McShane stated one issue regarding the urban plan for Birch Bay was the concept of enabling Birch Bay to incorporate without having taxes increased to the point the residents would choose not to incorporate. Address levels of service so that a decision to incorporate makes sense financially. Fields stated there are two other districts in the county that have the same issue.

Sitkin stated Sheriff Elfo was not aware of the Birch Bay Subarea Plan requiring a fully manned station until long after the plan was passed. The desire to set the stage for incorporation didn't include a discussion with all the service providers to get an idea of the true cost of the services.

29 **COMMITTEE DISCUSSION AND RECOMMENDATIONS TO COUNCIL**

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31 **1. ORDINANCE AMENDING THE DEFINITIONS OF STANDARD MAP**  
32 **AMENDMENT, SITE-SPECIFIC REZONE, AND CONCOMITANT REZONE IN**  
33 **SECTION 20.90.020 OF THE OFFICIAL WHATCOM COUNTY ZONING**  
34 **ORDINANCE (AB2006-056)**  
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36 Matt Aamot, Senior Planner, stated the current definition of "standard map  
37 amendment" omits situations where there is an application to rezone a single parcel or  
38 multiple parcels under single ownership. He proposes to change the definition to ensure it  
39 covers all these types of applications.  
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41 The definition of "site-specific rezone" is a rezone that accompanies a development  
42 permit. The definition should include text that the application does not qualify for a site-  
43 specific rezone if a Comprehensive Plan amendment is required.  
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45 The third definition is "concomitant rezone," which is a rezone with conditions. Now,  
46 it is defined as a type of site-specific rezone. It should be clarified that the County can also  
47 impose conditions on standard map amendment rezones, not just site-specific rezones.  
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49 ***McShane moved*** to recommend approval to the full Council.

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51 ***Motion carried unanimously.***  
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**2. RESOLUTION INITIATING A COMPREHENSIVE CONCURRENCY MANAGEMENT PROGRAM FOR WHATCOM COUNTY (AB2006-060)**

Troy Holbrook, Senior Planner, stated this is Executive Kremen's resolution. There are provisions for working with special districts. Staff will look at all levels of service and how to implement them.

Brenner stated she is interested in an interim ordinance

*(Clerk's Note: End of tape one, side A.)*

**Brenner** continued to state that interim ordinances have already been done. They don't have to reinvent the wheel. It will give the Council time to do a permanent ordinance. Adopt something within a month or so by pulling together Hal Hart's draft material. The Council shouldn't be pressured to move faster than it should, but have something in place that will provide some revenue return. She **moved** to have an interim concurrency ordinance to ensure that level of services, specifically transportation services, don't get worse in the meantime while the Council is working on this. Maintain the level of service the County has now. Collect money specifically for transportation issues.

*(Clerk's Note: This motion was not voted on)*

Hal Hart, Planning and Development Services Director, stated that to set levels of service, even on an interim basis, they must still answer many policy questions. If they aren't careful, the interim measure will be appealed, and they'll spend more time dealing with interim concerns than working on a longer-term direction. He hopes to have something to the Council by the summer. Many projects out there are two or three years into the process. They can catch those projects with the concurrency ordinance. They can pick up projects that have just occurred or are occurring now.

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McShane stated one problem with this proposal is that it's ambiguous. The transportation part worries him. Birch Bay is the obvious transportation problem area. At one time, the County Council chose not to improve level of service to C, and keep the level of service at D, because the County couldn't afford it. A concern is that concurrency would influence the decisions on what the County does for transportation countywide and take away from the efforts of other projects that have nothing to do with concurrency. Two roads now really need to be worked on, but they have nothing to do with concurrency. He asked if there is a way to specifically name projects before approving a concurrency program. If there isn't a project in that area, then don't collect money because it will take staff away from other projects. Hart stated those concerns makes sense. The design of the concurrency program will address those concerns. Tailor the concurrency ordinance to address fast-growing areas and also so that the County can also address other projects. He is assured by other communities that concurrency hasn't tied their hands in that way. He can design the program to take those concerns into account. Next, the Council would see a request for proposals (RFP) to get an idea of concurrency for transportation, parks, and other services. They are also talking about coordinating with the special districts. That is a much larger effort.

Brenner stated concurrency can only be for the cost of new development. It cannot solve current problems. She doesn't understand why they have to reinvent the wheel. These kinds of things already exist. They may have to fine-tune a program that already exists. People are already worried that the County will make new development pay for the sins of old development. That wouldn't be fair. They ought to put something in that has

already been done as a placeholder. She doesn't expect concurrency to solve their problems, but it's one piece of the puzzle. Don't spend a lot of time on something that is already done. Hart stated there are several components to this. It is not just an ordinance. Other components include working with stakeholders in the process and working internally with other County staff to lay the ground work for the administration of the ordinance. That is a complex process with a lot of participants. There is a lot of room for mistakes. He is trying to be methodical in creating the ordinance as soon as possible.

McShane asked if it's possible to do concurrency ordinances one at a time for the different services. There is a significant part of the public that sees this as a great thing, but they may not fully understand what it really does. He's worried about higher expectations. He is concerned that existing money in an area would take staff away from projects that are more important in other areas. Given the amount collected, they have to ask if it's really worth it at times. For special districts, the impact is huge. That's one reason people are shocked that property taxes are less in the city than in the county. Hart stated they can do it that way. They can do multiple ordinances if they bring in a consultant to give the County that advice on all at once.

McShane stated they could have separate discussions about each. They may find a range of opinions about the transportation issues.

Hart submitted a draft program with initial thoughts on what staff would do for concurrency management (*on file*).

McShane asked if this resolution has to be passed by the Council tonight. Hart stated it doesn't have to be. The sooner he has a resolution, the sooner he can go forward. The next steps are putting out an RFP, working with the Public Works Department and Parks Department, and looking at consultant costs. He doesn't want to do that unless he has the Council's okay through the resolution.

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Fleetwood stated the resolution is vague. It comes down to staff conducting an analysis to assess concurrency. He asked for clarification on what Mr. Hart means by assessing concurrency. Hart stated assessing concurrency is designing a system that is right for Whatcom County and giving the Council choices for each service area. He's assured a program can be designed in a way to address the Council's concerns.

Jeff Monsen, Public Works Director, stated the big driver of this process is a level of service standard. This process needs to revisit those level of service standards. Once they agree on what the standards are, address how to ensure that the thresholds are not crossed over time. Concurrency needs to recognize that thresholds will be crossed and include methods to ensure that the threshold will not be crossed as development occurs. The biggest issue the Public Work has tried to avoid is the timing from when new homes go in and when they make efforts so the level of service threshold is not crossed. It's a question of how to get infrastructure in place before the problem exists.

Brenner stated the Public Works Department needs to consider alternatives to asphalt, in terms of transportation concurrency. She'd like to see some changes in the county. There are off-the-shelf options that exist. Part of the problem is that changing direction seems to be very difficult. Monsen stated part of the issue of getting departments coordinated is that they've had excess capacity based on level of service standards. Therefore, they've been reviewing and approving developments that are consuming that capacity. Now, that approach will be unsuccessful. They don't have a program in place to proactively eliminate that problem.

Brenner stated part of the problem is the way the County determines level of service. It doesn't work in real critical cases. They are starting off with a flawed process to determine level of service. Monsen stated there isn't a flaw in how they calculate level of service. There are scientific formulas for that. They are approving a development limit that approaches that threshold, but there are no ordinances in place to prevent them from crossing the threshold. The science of calculation is there.

Hart stated the vacant transportation planner position closes February 17, and they'll start working on filling that position. They will identify any different processes for level of service. If the Council wants to take a groundbreaking new direction, it can do it during next year's change. Today's resolution sends a clear message that the Planning Department, Public Works Department, and Parks Department are now working on this, starting with the RFP.

**McShane moved** to recommend approval of the resolution. His main concern is that policymakers' understanding the concept of concurrency is lagging somewhat. He's trying to catch up his understanding. He wants to really understand it. There has been a significant transportation change since he's been on the Council, which is bicycle transportation.

Hart stated the Council has special surface water work sessions. This spring, have special sessions with people who have experience with concurrency.

Lincoln Rutter, Futurewise, stated Futurewise has a tremendous amount of experience with concurrency. Futurewise would do a lot to help the Council and staff with how concurrency ordinances work in other parts of the state. Eben Foder did a considerable amount of work in this field. He provided a development impact analysis of Chuckanut Ridge. Concurrency, impact fees, and urban growth area sizing are all related. There is a correlation between the size of the urban growth area and the cost of services. When Birch Bay did its subarea plan, Futurewise calculated infrastructure cost of \$78 million to sustain that subarea plan, including fire protection, medical services, and many other governmental services that aren't addressed in the Growth Management Act. Whatcom County has more in common with other counties around the state than it realizes. There are ordinances from all over the state that it can choose from. Everyone is dealing with this problem.

The Whatcom County growth rate was less than anticipated from 2000 to 2005. The number of permits for the Blaine area has jumped from 26 homes per year to 2,000. They approved 2,000 homes in Blaine while not in compliance with their comprehensive plan. Docket the sizing of urban growth areas, which is at the root of the concurrency problem. Also, rely on the expertise of organizations like Futurewise.

McShane stated Futurewise should submit their information sooner rather than later.

Patty Rutter, stated taxes went up in the county. The levels of services haven't been the best. They continue to grow. Traffic is backed up on the Birch Bay - Lynden Road. There are many projects going on in that area. There are over 1,000 building permit violations in the county. If they don't charge impact fees to developers, the levels of services are not acceptable. They don't have a plan and don't want to look at something already out there. Developing land in the county is cheaper than in the city. Today's residents will have to pay for the levels of service that they can't do without. Look at some of the issues that the people who live there are experiencing.

1 Brenner stated basic property tax goes up based on what someone moving into the  
2 area is willing to pay. It has a proportional effect on property tax, but not always. Patty  
3 Rutter stated that even though they say property tax is based on the value of a home in an  
4 area, the cost of developing gets distributed among the existing homeowners in the form of  
5 taxes. Eben Fodor and Hal Hart both talked about that.  
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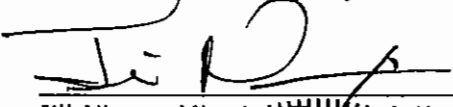
7 **Motion carried unanimously.**  
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10 **OTHER BUSINESS**

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12 There was no other business.  
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15 **ADJOURN**

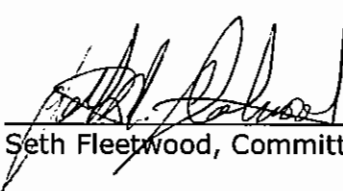
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17 The meeting adjourned at 4:00 p.m.  
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21 Jill Nixon, Minutes Transcription

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29 Dana Brown-Davis, Council Clerk  
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WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

  
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Seth Fleetwood, Committee Chair