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Date: 10/6/2009 8:50 PM
Subject: A Columbia Valley Fire Capital Facilities Solution
Attachments: ColumbiaValleyFireCommittee.pdf; Part.002

Dear Council Members:

Earlier today during the Planning & Development sub-committee meeting, you were told that Whatcom County Fire District# 14, the district that serves the 4,000 current residents of the Columbia Valley, has publicly stated they cannot provide adequate fire protection within their fire district.

The fire district's position that they cannot serve is a serious threat to the entire community. Jobs, economic development, insurance rates and public health and safety are all contingent on reliable fire protection. Although we don't agree with Fire District 14's position that they cannot provide adequate fire protection, we believe it is useless to try to compel the district to solve a problem they say can't be fixed. To solve the problem, local community leaders in the east county have formed the Columbia Valley Fire District Steering Committee. In short, since the fire district is unwilling or unable to provide the necessary services to our community, we are proposing that a new fire district be formed. Our rationale of how the problem can be solved with existing resources is in the attached summary.

The administrative committee of the Columbia Valley Fire District Steering Committee (Phil Cloward, Jack Hovenier, Sean Wilson) had a meeting with Executive Kremen and Director Stalheim this afternoon. They committed to assist us with facilitating discussion between Fire District 14 and our committee. We appreciate the County's willingness to facilitate and lead a discussion between all interested parties--- we have to establish a meaningful dialogue with Fire District 14 to resolve these issues. And we are very optimistic that multiple solutions to these problems exist.

We will let you know how our discussions with Fire District 14 go. If you have any questions, please feel free to contact me.

Best regards,

Jack Hovenier



Columbia Valley Fire Protection District

Community Implementation Plan for Proposed Formation and Formal Organization

An independent analysis and proposal for the provision of adequate Fire and Emergency medical Services to preserve the Public Health and Safety in the Columbia Valley Urban Growth Area

Prepared by

**Columbia Valley Fire Protection District
Steering Committee**

**Chairperson: Jack Hovenier
Vice-Chairperson: Phil Cloward
Secretary: Sean Wilson**

In Cooperation with

**Foothills Area Residents and Landowners
P.O. Box 1672 Maple falls, WA 98266**

October 2009

EXECUTIVE SUMMARY

Proposed Formation and Rationale

It is the intent of this proposal to recommend the formation of a **NEW FIRE PROTECTION DISTRICT** to serve the Columbia Valley UGA. The Boundary for this proposed district includes approximately 4,000 residents and is generally described herein as being inclusive of the UGA Water and Sewer District boundary's for WCWD 13 and 19 respectively and appropriate areas abutting an urban boundary. The proposed boundary currently resides within the existing service area of WCFD 14. The final proposed boundary will be determined after discussion between this Steering Committee, WCFD 14, and local residents of how to best serve the communities needs.

WCFD 14 has publicly identified an inability to adequately serve this portion of their existing service area, even though the district has an existing agreement to serve the Sumas UGA, which is outside their service area, moreover, they indicate that they cannot foresee any possible financial scenario that would enable them to provide adequate levels of service to this large population within their jurisdiction.¹ WCFD 14 has historically failed to plan for adequate services within this densely populated portion of their service area and has actively rejected voluntary investment opportunities from the private sector. WCFD 14 has recently rejected offers to provide adequate levels of service on a contractual basis to landowners within the Columbia Valley Urban Growth Area and has historically been non-participatory in regional planning and development or community visioning efforts.²

The Columbia Valley Fire Protection Steering Committee can demonstrate that adequate facilities and resources exist or can be provided within the current Fire Protection District, however, absent an enforcement mechanism to compel WCFD 14 to plan for and provide adequate levels of service to this urban population within their Jurisdiction, those services and facilities will likely not be planned for or provided as required and needed to best ensure the public health and safety. Thousands of

¹ Letter to Whatcom County Council submitting approved Capital Facilities Plan, September 17, 2009, "The District is simply not capable of funding or providing either an urban or suburban level of fire response services to the Columbia Valley UGA as required by the GMA. In the best case scenarios, present and future District operations will function somewhere between a rural and remote level of service standard within the proposed Columbia Valley UGA based upon NFPA standards. There is no conceivable circumstance where the District would have the necessary revenue to be able to fund and/or maintain an urban level of service over the planning period."

² Minutes from Foothills Advisory Committee show no participation from WCFD 14 despite numerous written requests from Studio Cascade, Whatcom County PDS and committee members.

communities across the United States with similar urban density, tax revenue and population are able to provide adequate urban services in similar circumstances.

WCFD 14's position has the potential to seriously impact the citizens who reside within the Columbia Valley Urban Growth Area and Whatcom County. The impact to insurance rates, land value and use, and the preservation and protection of life and property are all adversely affected by WCFD 14's inability to provide responsible oversight of the public health and safety within their jurisdiction particularly since the District publicly states that, "... under any projected circumstance under projected revenue with the allocated growth to the District (and assuming the voters annually approve a levy limit at the maximum allowed by law), **the District will struggle to maintain a rural level of service in the area proposed to be the Columbia Valley UGA.**"³

Documents available through the public record have been independently reviewed, including the recently adopted Capital Facilities Plan (September 2009) submitted by WCFD 14. The independent review has concluded that adequate Fire Protection and EMS Facilities and Resources currently exist or can be provided in an efficient manner within the Columbia valley UGA with proper planning, best management practices, innovative techniques and future capital investment. Based on these findings and conclusions, the Columbia Valley Fire protection Steering Committee has been formed to begin implementing the statutory provisions for formation and organization of a new Fire Protection District.

It is the intention of this committee to request assistance from Whatcom County government officials to assist in serving the residents of the Columbia Valley. All our efforts are intended to identify solutions to serve the approximately 4,000 residents living in the current and/or proposed Columbia Valley UGA at an appropriate level. Based on the recent statements of WCFD 14 that they serve a "rural" District, and that the only "urban" services they can provide are by contract to the City of Sumas UGA, an area outside their district, the need for a new Fire District exclusive to the residents of the Columbia Valley UGA appears to be the best solution to resolve these capital facilities issues. Under our proposal, rural residents of the current District will continue to receive "rural" fire protection services without subsidizing urban residents, and urban residents of the current District will receive new "urban" fire protection services without subsidizing rural residents. This is a fair solution that places the financial burden of providing "urban" fire protection services on the current urban residents of WCFD 14, and the financial burden of providing "rural" fire protection services on the current rural area residents of WCFD 14.

³ Correspondence from WCFD 14 to David Stalheim Whatcom County Planning Director regarding Draft EIS and Draft Comprehensive Plan Amendments, dated June 22, 2009

Written and oral statements from WCFD 14 notwithstanding, we believe that WCFD 14 has the resources necessary to serve the urban residents of their District appropriately. Since the District is not willing to do this, we believe that dividing the District is the best solution to provide the necessary services to both the rural and the urban residents of the Fire District. We anticipate that WCFD 14 will work with us in the spirit of cooperation for the best interests of the entire community and continue to provide the current level of service to the Columbia Valley UGA during the formation of the new District.

STATUTORY AUTHORITY

The formation of Fire protection Districts is statutorily authorized in RCW 52.02. Actions taken under the provisions of RCW 52.02 may be subject to review by a boundary review board (under RCW 36.93).

The statutory process for accomplishing the formation and organization of the proposed Columbia Valley Fire protection District is generally set forth below.

- **Petition**
- **Certification**
- **Notice of Sufficiency and Notice to Boundary Review Board**
- **Public Hearing by the County Legislative Authority (when)**
 1. No Boundary review Board exists
 2. Jurisdiction by the Boundary Review Board is not invoked
 3. The Boundary Review Board fails to take timely action
- **Action on Petition (approve or deny)**
- **Election**
- **Declaration of Election Results**
- **Organization Conclusive**