

RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION

1

January 28, 2010

Regular Meeting

1 **Call To Order:** The meeting was called to order, by Whatcom County Planning
2 Commission Chair, Jean Melious, in the Northwest Annex Conference Room at 6:35 p.m.

3

4 **Roll Call**

5 Present: Jean Melious, John Lesow, Rabel Burdge, John Belisle, Rod Erickson, Michelle
6 Luke, Jeff Rainey, Gary Honcoop

7 Absent:

8

9 **Staff Present:** David Stalheim, Wain Harrison, Kate Blystone, Warner Webb, Becky Boxx

10

11 **Director's Dialog**

12

13 Director Stalheim gave an overview of the Planning Commission schedule for the first half
14 of 2010.

15

16 **Open Session for Public Comment**

17

18 Jack Petree, Whatcom County: Commented on the Comprehensive Plan update challenge
19 by four cities, several individuals, and a fire district, urged the Planning Commission
20 members to not submit their own input to the Commission on issues that are being
21 discussed in public hearings and urged the Commission to use the legal staff they have
22 available to them.

23

24 **Commissioner Comments**

25

26 Commissioner Lesow distributed an article from the Delta, B.C. newspaper regarding
27 density recommendations and the impact of development there and an article regarding
28 Skagit County agricultural issues.

29

30 Commissioner Belisle commented on agricultural enforcement issues.

31

32 Commissioner Melious informed the Commission on an AICP credit program being
33 presented at WWU regarding law, including rural character and impact fees. This will be
34 held February 24th.

35

36 Commissioner Burdge commented on the Bellingham Herald news article regarding the
37 Ferndale Planning Director.

38

39 **Approval of Minutes** of December 10, 2009. Belisle moved to approve the minutes as
40 written. Lesow seconded. The motion carried.

41

42 **Work Session**

43

44 Election of Chairperson

45

46 Lesow nominated Jean Melious for the position. Burdge seconded. The motion carried.

47

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1 Election of Vice-Chairperson

2
3 Honcoop nominated Michelle Luke for the position. Erickson seconded. The motion carried.

4
5 Election of Secretary

6
7 Lesow nominated PDS staff person Becky Boxx for Secretary. Belisle seconded. The
8 motion failed.

9
10 Melious nominated Director Stalheim for Secretary. Lesow seconded. The motion carried.

11

12 Review of Business Rules

13

14 Melious moved to change Section 10(e)(II) to read: At the Chair's discretion or when
15 requested by a majority of the members present, speakers shall be allowed no more than
16 ~~five (5)~~ three (3) minutes to make their points. Belisle seconded. The motion failed.

17

18 Lesow commented on 10(b): Chair to poll Commissioners to determine conflict of interest.
19 Urged the Commission to abide by this rule.

20

21 Belisle moved to place Commissioner Comments at the end of the meeting. Burdge
22 seconded. The motion failed.

23

24 Lesow moved to adopt the business rules. Honcoop seconded. The motion carried.

25

26 **Public Hearing**

27

28 CMP2008-00006 - Proposed language changes to the Birch Bay Community Plan and the
29 Whatcom County Comprehensive Plan regarding urban levels of service to fire protection
30 and emergency medical response in the Birch Bay Urban Growth Area.

31

32 Kate Blystone presented the staff report and a power point presentation. The levels of
33 service for fire and emergency service in the Fire District #21 Capital Facilities Plan, which
34 was adopted by reference as part of the Whatcom County Comprehensive Plan, and the
35 Birch Bay Community Plan (BBCP) are different. The Growth Management Act says they
36 need to be consistent. Comprehensive Plan Policy 2L-2 states that in a case of
37 inconsistencies the Comprehensive Plan shall prevail. The BBCP sets a gold standard for
38 successful emergency medical services at a four to six minute response time. They set a
39 standard for fire response at five minutes. The fire district is not capable of meeting these
40 standards which are for urban levels. Staff recommends deleting the standards from the
41 BBCP and refer to the Fire District #21 Capital Facilities Plan for standards. There are also
42 some minor text changes proposed for the BBCP.

43

44 The hearing was opened to the public.

45

46 Jon Sitkin, Whatcom County, representing Fire District #21: Supports the staff
47 recommendations. He gave an overview of the history of development of the Fire District
48 #21 Capital Facilities Plan. The plan had lots of community input.

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2 Jack Hovenier, Whatcom County, representing the Columbia Valley Fire District Steering
3 Committee: Stated that Sean Wilson, the secretary of the committee, thought this process
4 is an inappropriate delegation of authority. Believes the County should set a uniform level
5 of service that all of the fire districts could meet.

6
7 Kathy Berg, Whatcom County: Feels there are two issues that need resolved. First, what
8 is the hurry to amend the BBCP? There hasn't been sufficient community participation.
9 Second, why is there such a wide discrepancy between the ability of the fire district to
10 show concurrency and serve growth in the City of Blaine, versus in Birch Bay? With their
11 statement that they can't serve Birch Bay they have essentially created a moratorium on
12 growth. She suggests the Planning Commission reject the recommendation or send the
13 issue back to the Planning Department for more work.

14
15 Doug Robertson, Whatcom County, representing some property owners in Birch Bay:
16 Response time is based on what it costs. No one has asked what the community is willing
17 to pay for service and it's not listed in the Fire District's plan. Right now all development
18 in Birch Bay has stopped because the Fire District won't sign the statement saying they
19 can provide service. The County needs to adopt a level of service.

20
21 Bob Tull, Whatcom County, representing property owners near the fire station: When his
22 clients tried to get permits a few years ago they were faced with the claim that they had
23 to pay a mitigation fee for fire service. The fire district does not have the legal authority to
24 charge for mitigation fees. The solution that is being proposed is going to result in the
25 County delegating its authority to the districts so the districts can impose a tax for which
26 is does not have authority. The County should be setting levels of service.

27
28 Doralee Booth, Whatcom County: The information contained in the BBCP was given to the
29 steering committee by the fire district and they didn't question it as a community. She
30 doesn't think the standard was credible at the time or now. Growth and development
31 should share the cost of impacts to the fire district.

32
33 Kevin Zender, Whatcom County: Requested County Code 20.80.212 be removed.
34 Whatcom County is the only county in the State to have to deal with this issue.

35
36 Jon Sitkin (rebuttal): Requests the County take out the language in the BBCP that refers
37 to service.

38
39 Tom Fields, North Whatcom Fire District Chief: Spoke to some specific developments
40 regarding SEPA. There are mitigation regulations for all members of the fire district. New
41 construction fees do not cover the cost of service. He listed their response times for
42 different areas of their district which they are meeting 63% of the time in urban areas and
43 87% in rural areas.

44
45 The hearing was closed to the public.

46

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1 Commissioner Melious moved to adopt staff Option #3 (delete mention of standards from
2 the BBCP). Belisle seconded. Roll Call Vote: Ayes – Belisle, Burdge, Lesow, Melious; Nays
3 – Erickson, Honcoop, Luke, Rainey; Abstain – 0; Absent – 0. The motion failed.
4 Honcoop moved to table the issue and resume discussion at the February 11, 2010
5 meeting and to hold the written record open through February 4, 2010. Luke seconded.
6 Roll Call Vote: Ayes – Belisle, Erickson, Honcoop, Luke, Rainey; Nays – Burdge, Lesow,
7 Melious; Abstain – 0; Absent -0. The motion carried.

8
9 The meeting was adjourned at 10:10 p.m.

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11 Minutes prepared by B. Boxx.

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13
14 WHATCOM COUNTY PLANNING COMMISSION ATTEST:

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19 _____
20 Jean Melious, Chair

David Stalheim, Secretary

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