

**WHATCOM COUNTY  
PLANNING & DEVELOPMENT SERVICES  
STAFF REPORT**

**I. OVERVIEW**

**File #** PLN2010-00015

**File Name:** Fire Level of Service

**Applicant:** Whatcom County Planning & Development Services

***Requested Action:***

The request is for an addition to Whatcom County Comprehensive plan to set a fire level of service.

**Reason for Request:**

The current Whatcom County Comprehensive plan policy 4H-3 states "Whatcom County should define an urban level of service for fire protection by December 1, 2011."

The GMA requires a 7-year review and update of Comprehensive Plans. That process should demonstrate that the urban growth areas are served by urban levels of fire protection facilities and service. If the level of service standard adopted by the County can not be provided over the 20-year planning period, then re-designation of UGAs to rural designations should be considered. Whatcom County's deadline for review and update of the Comprehensive Plan was December 2012 however; state legislation has extended that deadline to December 2014. Action can be taken by jurisdiction prior to the deadline.

**Recommendation:**

Staff recommends approval for the proposed Comprehensive plan amendment.

**II. BACKGROUND**

**Currently the Whatcom County comprehensive plan Policy 4H-3 says**

"Whatcom County should define an urban level of service for fire protection by December 1, 2011. The 7-year comprehensive plan review and update process should demonstrate that the urban growth areas are served by urban levels of fire protection facilities and service. If the level of service standard adopted by the County can not be provided over the 20-year planning period, then re-designation of UGAs to rural designations should be considered."

On March 11, 2010 and April 8, 2010 the Planning Commission had work sessions on county-wide Fire Level of Service (LOS) Standards. A public hearing was held on March 22, 2010.

The following questions were presented to the public during the hearings on Fire Level of Service Standards.

1. **Should we establish a Level of Service for fire?**
2. **Do we want a LOS for both urban and rural areas in Whatcom County?**
3. **Should we establish a LOS for both FIRE and EMS?**
4. **What measure should we use to establish a LOS for fire and, possibly, EMS?**
5. **Should we continue to let the fire districts do their own Capital Facilities Plans?**
6. **Should Whatcom County work with the fire districts to help them collect impact fees?**

On May 27, 2010 staff asked for direction from the planning commission. Staff presented to the planning commission the questions posed and the responses gathered from the public on the proposal of a Fire LOS.

The planning commission made a preliminary recommendation of a response time of 10 minutes on 80% of fire calls for urban areas, and a Washington Survey and Rating Bureau (WSRB) number of 6. For the Rural areas of Whatcom County the planning commission made a preliminary recommendation of a 14 minute response time on 80% of fire calls, and a WSRB number of 8.

On 7/14/2010 at the Deming Library a Town Hall meeting presented to the public the Planning Commission's recommendation on fire LOS.

On 7/15/2010 at Fire Station 46 at 6081 Church rd a Town Hall meeting presented to the public the Planning Commission's recommendation on fire LOS.

### **III. ANALYSIS OF THE PROPOSED AMENDMENT**

*Pursuant to Whatcom County Code (WCC 20.90.051(2)(a)), the County has evaluated the proposed amendment for consistency with the following criteria:*

#### **Environmental Review – State Environmental Policy Act (SEPA)**

The Whatcom County Planning and Development Services SEPA Official gave this non-project action a SEPA Determination of Non-Significance (DNS) on July 19, 2010.

#### **GMA Goals**

##### **(12) Public facilities and services:**

*Ensure that those **public facilities and services** necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current **service levels** below **locally established minimum standards**.*

**Discussion:** Adoption of the proposal would set the level of service for fire. This would assist the fire districts in Whatcom County in completing their capital facilities planning.

## **Comprehensive Plan Goals and Policies**

### ***Chapter 4 – Capital Facilities***

**Goal 4H** Coordinate with non-county facility providers such as cities and special purpose districts to support the future land use pattern promoted by this plan.

**Policy 4H-3** Whatcom County should define an urban level of service for fire protection by December 1, 2011. The 7-year comprehensive plan review and update process should demonstrate that the urban growth areas are served by urban levels of fire protection facilities and service. If the level of service standard adopted by the County can not be provided over the 20-year planning period, then re-designation of UGAs to rural designations should be considered.

## **IV. PROPOSED FINDINGS OF FACT AND REASONS FOR ACTION**

- 1) November 24, 2009 ordinance 2009-0071 was adopted by the Whatcom County Council. The ordinance adopted amendments to Chapter Four - Capital Facilities adding policy 4H-3 relating to the adoption of Fire level of service standards.
- 2) Policy 4H-3 from the Capital Facilities chapter of the Whatcom County Comprehensive Plan states, "Whatcom County should define an **urban level of service** for fire protection by December 1, 2011."
- 3) On March 11, 2010 and April 8, 2010 the Whatcom County Planning Commission held work sessions on fire level of service. RCW 52.33.010 The arrival of first responders with automatic external defibrillator capability before the onset of brain death, and the arrival of adequate fire suppression resources before flash-over is a critical event during the mitigation of an emergency, and is in the public's best interest. RCW 52.33.010 is a section that is for primarily paid departments in urban areas like Bellingham. A study was conducted showing what other counties and some like size cities in Washington State are using for a fire Level of Service.
- 4) On April 22, 2010 the first Whatcom County Planning Commission public hearing was held
- 5) On July 14, 2010 and July 15, 2010 town hall meetings were held, one was in Deming and the other one was in Ferndale.
- 6) Whatcom County has jurisdiction over the Fire Level of Service for all fire districts planning under GMA or planning to collect impact fees.
- 7) On, August 2, 2010 a 60 Day Notice of Review consistent with RCW 36.70A.106 was sent to Department of Commerce for the proposed comprehensive plan amendment.

- 8) As required by WCC 20.90.050(2) environmental review through the State Environmental Policy Act was required. The Whatcom County SEPA official gave this non-project action a SEPA determination of non-significance (DNS) on July 30, 2010.
- 9) Goal 4H from the Capital Facilities chapter states, "Coordinate with non-county facility providers such as cities and special purpose districts to support the future land use pattern promoted by this plan."
- 10) Policy 4H-3 from the Capital Facilities chapter states, "County should define an urban level of service for fire protection by December 1, 2011."
- 11) Notice of the Whatcom County Planning Commission public hearing was published August 1, 2010.
- 12) The Whatcom County Planning Commission held a public hearing on the proposed Comp Plan amendment August 12, 2010.

#### **V. RECOMMENDATION**

Staff recommends the Whatcom County Planning Commission vote to forward a recommendation of approval on the proposed Comprehensive Plan amendment. This recommendation is based on the findings identified by staff.

Staff recommends option 1 in exhibit A.  
Staff recommends exhibit B.

#### **Attachments:**

**Exhibit A – Comprehensive Plan amendment to Capital Facilities Plan**  
**Exhibit B – Comprehensive plan amendment to Capital Facilities Plan**

## **EXHIBIT A**

Chapter Four – Capital Facilities Pg 4-6 fifth paragraph remove first sentence and insert new policy 4H-4.

Policy 4H-3 ~~Whatcom County should define an urban level of service for fire protection by December 1, 2011.~~ The 7-year comprehensive plan review and update process should demonstrate that the urban growth areas are served by urban levels of fire protection facilities and service. If the level of service standard adopted by the County can not be provided over the 20-year planning period, then re-designation of UGAs to rural designations should be considered.

Proposed New Policy -

### **OPTION 1**

Policy 4H-4

Adopt the following levels of service for fire facilities and services:

- Urban level of service for fire protection shall be a response time of 8 minutes 80% of the time.

- Rural level of service for fire protection shall be a response time of 14 minutes 80% of the time.

### **OPTION 2**

Policy 4H-4 Adopt the following level of service for fire facilities and services:

When the elected officials of a fire district choose to set their own Fire Level of Service they shall following the Growth Management Act for ongoing and continuous public participation Per RCW 36.70A. The fire districts shall follow local planning per the requirements of RCW 36.70A and RCW 82.02. When the elected officials of a fire district choose set their own LOS they shall us the following:

Urban level of service for fire protection shall be a response time of 8 minutes 80% of the time.

Rural level of service for fire protection shall be a response time of 14 minutes 80% of the time.

## **EXHIBIT B**

### Chapter Four – Capital Facilities

Pg 4-3 third paragraph fifth line remove part of (d) because it is now inconsistent with state law.

The GMA expressly authorizes cities and counties to impose impact fees on new development to help finance the capital facilities required to serve new development. This authorization applies only to capital facilities owned or operated by government entities: (a) public streets and roads; (b) publicly owned parks, open space, and recreation facilities; (c) school facilities; and (d) fire protection facilities ~~in jurisdictions that are not part of a fire district~~. Certain background information that must be included in a capital facilities element of the Comprehensive Plan in order to collect transportation impact fees is included in Appendix G.

### **Background**

THE LEGISLATURE OF THE STATE OF WASHINGTON:

Amended RCW 82.02.090 (7) to read as follow:

HB 1080

(7) "Public facilities" means the following capital facilities owned or operated by government entities: (a) Public streets and roads; (b) publicly owned parks, open space, and recreation facilities; (c) school facilities; and (d) fire protection facilities.

Passed by the House February 11, 2010.

Passed by the Senate February 27, 2010.

Approved by the Governor March 17, 2010.

Filed in Office of Secretary of State March 17, 2010.