

MINUTES
Ferndale City Council Meeting
Held Monday, June 17, 2002
City Hall Annex Building - 5694 Second Avenue
7:00 p.m.

PRESENT: Councilmember Albert Lavine
Councilmember Mel Hansen
Councilmember Mike Reilly
Councilmember Marianne Elgart
Councilmember Susan Cole
Councilmember Jerry Landcastle
Councilmember Ron Wilson

Mayor Carolyn Jensen presiding

STAFF PRESENT : City Administrator Roland Signett
City Clerk Linda Knutson
Planning Director Tom Black
Police Chief Dale Baker
Interim Parks and Recreation Director Pat Milliken
City Attorney Dick Langabeer

EXECUTIVE SESSION

The Council, Mayor and City Administrator met in executive session at 6:15 p.m. to discuss real estate issues. They convened to regular session at 7:00 p.m. without action.

CALL TO ORDER

Mayor Jensen called the meeting of the Council to order at 7:04 p.m.

CONSENT AGENDA

The following consent agenda was moved for approval by Councilmember Landcastle, with a second from Councilmember Cole:

1. Approval of Minutes of 06/03/2002 Council Meeting
2. Approval of Payroll of 06/03/02; Auto-Deposit Amount: \$108,017.13; Checks #21014 - #21030 Amount: \$37,240.90; Total Payroll:\$145,258.03
3. Approval of Claims Run for July, 2002; Checks #37982 - #38124; Total Claims: \$489,814.48 (#37947 VOID due to over-billing)

Motion passed unanimously.

PUBLIC COMMENT

Ernie Heinrich had several concerns, the first being that he felt he had been mis-quoted in the minutes of a previous Council meeting. He also was upset about the broken water main on Ferndale Terrace that had occurred that day. He was further concerned about dog fecal matter in his yard and wants more animal control enforcement.

RESOLUTION #02-06-17 - FLOODWAY BOUNDARY MAP REVISIONS

Planning and Judicial Committee Action Item

Councilmember Cole, Chair of the Committee, asked Director Black to give the overview on this item. Director Black stated that FEMA has distributed for comment a new "preliminary" Flood Insurance Rate Map (FIRM) for all of Whatcom County. This new map, once adopted, will supplant the FIRM for the City of Ferndale which was adopted in 1983. FEMA has given all jurisdictions until the end of June to

comment on the preliminary FIRM. Given that the old map and the new FIRM are basically the same, the city anticipated making few comments, however, during recent communications with DOE, FEMA, and County representatives, Director Black became aware of information that would support a request from the City for the “floodway” line to be changed on the new FIRM.

This information consists of a Soil Conservation Service “work map” which served as a basis for the 1983 FIRM. A review of that work map shows that the floodway line was not drawn correctly. In some areas, the discrepancy between the work map and the FIRM appears to be simple mapping error. In one other area, the discrepancy is due to a City request in 1982 that the floodway line be drawn in a different location than shown on the work map, to match up with the boundaries of the City’s Flood Zone. All agencies agree that the SCS work map is a better source of information, and would “trump” the existing and new FIRM’s. Based on this information, the City would submit formal comment to FEMA asking that the floodway lines on the new FIRM be revised to reflect those on the SCS work map.

The Committee felt that this was a sound request, since the request made back in 1982 by the city had not been based on anything other than zoning.

The Council had questions regarding the surrounding zone indicators on both maps, which were explained by Director Black.

Motion

Councilmember Reilly moved to approved Resolution #02-06-17 requesting adoption of the SCS work map floodway lines. This was seconded by Councilmember Cole.

Discussion:

Councilmember Elgart stated she was strongly in favor of the motion. She felt it added clarity and was based on the best available science.

Motion passed unanimously.

CODE LANGUAGE CHANGE

Planning and Judicial Committee Action Item

Councilmember Cole reported that Planning Director Black presented the Committee with information concerning the Floodplain Management Ordinance (FMC 15.24.150(D), which deals with floodplain development standards. The section in question is not in compliance with FEMA regulations. FEMA has asked that the City change this section of the code to bring the City back into compliance with FEMA regulations so that we can continue to be consistent with the requirements of the National Flood Insurance Program (NFIP). It is the NFIP that makes it possible for citizens of the community to purchase federally subsidized flood insurance. The section of the code was added in 1991 via Ordinance #957 and apparently never reviewed or approved by FEMA as is required. The section says that in the area east of I-5, “alternate construction methods or mitigation measures” may be used in the floodplain or floodway. FEMA regulations allow such “alternate” methods to be used in the floodplain but *not* the floodway. The “floodway” is basically a “no-build” area where structures and fill is not permitted.

Director Black will prepare an ordinance for review by the full Council in the near future, but first the proposed ordinance must be reviewed and approved by FEMA.

Councilmember Cole moved to removed the language “or floodway” from FMC 15.24.150(D) to conform with FEMA regulations. This was seconded by Councilmember Wilson.

Motion passed unanimously.

PLANNED UNIT DEVELOPEMENTS - CODE REVISIONS - ORDINANCE #1285

Planning and Judicial Committee Action Item

Councilmember Cole asked City Attorney Langabeer to outline the legal aspects and options concerning

the revision of the City's PUD ordinance. Mr. Langabeer stated that a moratorium was more appropriate than repealing the current ordinance, as a repeal would be inconsistent with the City's Comprehensive Plan. With a moratorium a public hearing would be required with 60 days of passage. During that period staff would have time to review and revise at least a good portion of the ordinance. Further, repealing the ordinance would require that the entire ordinance would have to be rebuilt.

Councilmember Reilly asked if the City could revise the PUD without a repeal or moratorium. Mr. Langabeer responded that that was certainly an option, however, such an approach would place a good deal of pressure on staff to complete revisions too quickly perhaps without full attention to details.

Mr. Langabeer further pointed out that a moratorium would have no effect on projects currently under consideration, termed "vested" projects.

Motion

Councilmember Reilly moved to approve Ordinance #1285, placing a moratorium on applications for Planned Unit Developments under section 18.68 of the Ferndale Municipal Code. This was seconded by Councilmember Cole.

Discussion

Councilmember Landcastle noted that the Building Association was willing to help staff with revisions.

Councilmembers Hansen and Reilly felt that an ordinance of this importance should go to a second reading so the public would have time to digest and comment. Mr. Langabeer reiterated that a Public Hearing within 60 days was a condition of a moratorium.

Councilmember Landcastle felt that in this instance, only one reading was necessary because the moratorium had built-in safeguards for public input and participation. Councilmembers Cole and Elgart agreed.

Councilmember Hansen agreed with moratorium in theory, but felt that the Council had no need to rush it through without one more reading. He also felt that he might be compromised, should citizens approach him with questions or concerns before a public hearing was held. Mr. Langabeer clarified that input prior to a public hearing would not compromise such, because it was legislative in nature rather than quasi-judicial.

Councilmember Cole suggested holding a public hearing in 30 days rather than waiting the full 60 days allowed by statute. Councilmember Landcastle also felt this was a sound approach.

Director Black clarified for the Council that once a moratorium is imposed by ordinance, a public hearing must be held within 60 days. After hearing testimony the Council makes specific findings as to whether or not a continuance of the moratorium is warranted or desired. If warranted, the moratorium can be continued up to 6 months, or discontinued immediately through ordinance.

Call for Question

A call for the question to end debate failed by the necessary two-thirds vote (4-3).

Further Discussion

Councilmember Landcastle felt that the only sticking point in the discussion was whether or not to hold a public hearing in 30 days or 60 days.

Amendment to Main Motion

Councilmember Landcastle moved to amend the main motion to hold a public hearing on the moratorium at the July 15th Council meeting, which was seconded by Councilmember Cole.

Motion passed unanimously.

Vote on Main Motion

Main motion to approve Ordinance #1285, as amended, passed unanimously.

RECOMMENDATION FOR BID AWARD - TOSCO SPORTS COMPLEX

Recreation and Finance Committee Action Item

Councilmember Wilson, Chair of the Committee, stated that bids had been received for the Tosco Sports Complex construction project. Henifin Construction submitted the low bid of \$344,812.79.

First Motion - Award of Bid

Councilmember Wilson moved to award the bid to Henifin Construction, at \$344,812.79, which was seconded by Councilmember Hansen.

Discussion

Councilmembers Reilly and Landcastle asked for clarification on the scope of this portion of the Complex project. Interim Parks Director Milliken specified this bid included completion of the east parking lot, excavation of ponds on the west and south of the property, drainage and grading for the two north fields, and rye seeding for stabilization.

Council also wondered if construction would interfere with the Old Settlers weekend. Staff said that they intended to work with the contractor and ask that construction be suspended during the event. Staff said they would also investigate whether the area that the tractor pull event is to be staged was part of the original property deeded to the City by the Old Settlers.

Second Motion - Alternate Bid

Councilmember Wilson moved to accept the alternate bid of \$6,750 for rye seeding by Henifin Construction, which was seconded by Councilmember Elgart.

Discussion

Councilmember Landcastle asked if the rye seeding was perennial. Staff stated it was.

Motion passed unanimously.

BREAK

Mayor Jensen announce a 6 minute break at 8:32 p.m.. The Council reconvened at 8:39 p.m.

THORNTON ROAD GAP ELIMINATION PROJECT - CHANGE ORDERS

Streets and Utilities Committee Action Item

Councilmember Reilly, Chair of the Committee, reported that Four Change Orders have been received for the Thornton Road Gap Elimination Project by the contractor, Harkness Timber and Development, Inc.

The Change Orders are: (1) Additional 2' grind and overlay on the existing pavement: \$4,889.85; (2) Construct curb returns for future extension for Self Help Homes: \$1,306.36; (3) Install blow offs for future extensions for Self Help Homes: \$1,858.50 (4) Grind and asphalt to center line: \$26,043.45. It was noted that Change Orders #2 and 3 are totally reimbursable by Whatcom Self Help Homes. After discussion with staff, it was the consensus of the Committee to recommend approval of Change Orders #1, 2 and 3, while directing staff to negotiate with the contractor on Change Order #4.

Administrator Signett added that staff would also negotiate Change Order #1.

Councilmember Reilly moved approval of Change Orders #2 and #3. This was seconded by Councilmember Elgart.

Motion passed unanimously.

HIGH HEAD PUMP REPLACEMENT

Streets and Utilities Committee Action Item

Councilmember Reilly reported that within the past year the City replaced one of the old high head pumps at the water treatment plant to provide power backup. The second pump which is approximately 30 years old has now failed. It has already been rebound twice and is no longer rebuildable. The estimate for a new pump is between \$12,000 and \$15,000. Staff was requesting authorization to proceed to bid for a new pump.

Councilmember Reilly moved to approve authorizing staff to proceed to bid for a new high head pump, which was seconded by Councilmember Landcastle.

It was noted that payment for the pump would come from the Utility Reserve Fund.

Motion passed unanimously.

THORNTON ROAD - BURLINGTON NORTHERN UPDATE - REQUEST TO SEEK RFQ's

Streets and Utilities Committee Action Item

Councilmember Reilly stated that the Committee was updated on a recent meeting with representatives of BNSF and a follow up letter received from them. In the course of that meeting, staff raised the issue of re-opening the at grade crossing at Thornton. Engineering work has been done to suggest that measures could be instituted to provide a high level of safety at the crossing, an issue which was of major concern to the railroad at the time of the closing by the WUTC.

Issues still remained such as the length of time the crossing would be closed due to switching of the trains. BNSF also expressed a concern over the prospect of increased traffic from high speed passenger service. The representatives present indicated that they would adamantly oppose an appeal to the WUTC for a re-opening of the crossing. The BNSF representatives seemed to understand the importance of an alternative link to I-5 for the city. They indicated a willingness to work with the city to obtain funding for an overpass by working at both the state and federal level to promote the project. They would also provide some direct financial aid to accomplishing the goal.

Staff also recommended that the City now proceed to do the preliminary geotechnical and environmental work which is a prerequisite to design. In order to obtain federal and state funding it will be necessary to have a project ready to go to bid with some well defined cost estimates.

Administrator Signett stated that the estimated cost for doing this preliminary review work was around \$100,000 which is available in the budget.

It was moved by Councilmember Reilly and seconded by Councilmember Hansen to recommend authorizing staff to seek RFQ's for the geotechnical and environmental work.

Motion passed unanimously.

WHATCOM COUNTY SIX YEAR TRANSPORTATION IMPROVEMENT PLAN

Streets and Utilities Committee Action Item

Councilmember Reilly reviewed that the County had submitted its six year TIP for review and comment. The Committee reviewed those projects that border Ferndale.

Councilmember Reilly moved to accept the Whatcom County Six Year Transportation Improvement Plan, with Councilmember Landcastle seconding.

Motion passed unanimously.

Councilmember Elgart expressed satisfaction at the positive impacts this plan will have on the City.

PARKING ISSUES ON PORTION OF LABOUNTY

Streets and Utilities Committee Action Item

Councilmember Reilly reported that a number of citizens have complained that semi trucks have been parking along the north side of LaBounty between Mt. Baker Lanes and the CostCutter strip mall. This is causing a safety hazard for motorists entering and leaving that parking lot by blocking road-traffic condition visibility.

Councilmember Reilly moved to direct staff to develop a resolution prohibiting vehicles in excess of 7,000 lbs Gross Vehicle Weight (GVW) parking along this stretch of LaBounty. This was seconded by Councilmember Landcastle.

Motion passed unanimously.

After a brief discussion, it was decided that other stretches of roadway that may be experiencing similar problems will be addressed as they come up.

SET COMMITTEE MEETINGS

Due to the AWC Conference in Yakima, there will be no Committee meetings scheduled this week. All Committees will meet at their regular times the week of June 24th.

STRATEGIC PLANNING WORKSHOP - JUNE 24TH

Administrator Signett stated that the focus of the upcoming workshop will be park and recreation direction and future, Tosco future, and general brainstorming.

COUNCIL REPORTS

Administrator Signett stated that an hour will be reserved prior to an upcoming Council meeting so that interested Councilmember, staff and public can view of presentation by Fire District #7 regarding a new apparatus.

Councilmember Lavine felt that an emergency should be declared for a new roof on City Hall. Administrator Signett stated that he felt the City could probably get by for one more year and would try to put aside funds in the 2003 budget for this purpose.

Councilmember Reilly stated that the Flood Advisory Board had been looking at the County's floodway model project for quite some time. The model may be in danger of running short of funds.

DEPARTMENT REPORTS

Police

Chief Baker handed out a police department summary report of ongoing activities and accomplishments.

Parks and Receptions

Interim Director Milliken stated that the planning for upcoming events are going well. Councilmember Reilly had understood that the Street Festival was going to be moved to Main Street this year. Milliken said he was not aware of this. This item will go to Recreation and Finance for discussion.

Planning and Building

Director Black said that he has been researching planned unit development ordinances throughout Washington State. He has also begun drafting open space requirements and invited Council to provide input and direction.

ADJOURNMENT

There being no further scheduled City business, the meeting was adjourned at 9:20 p.m.

ATTEST:

Attachment "A":

**STREETS AND UTILITIES COMMITTEE MEETING
6/5/02**

**COMMITTEE MEMBERS PRESENT: MIKE REILLY, MEL HANSEN, JERRY LANDCASTLE
STAFF: ROLAND SIGNETT, LOREN SPERRY, GREG EBE, ENGINEER**

THORNTON RD.\BNSF UPDATE

The Committee was updated on a recent meeting with representatives of BNSF and a follow up letter received from them. In the course of that meeting, staff raised the issue of re-opening the at grade crossing at Thornton. Engineering work has been done to suggest that measures could be instituted to provide a high level of safety at the crossing, an issue which was of major concern to the railroad at the time of the closing by the WUTC. Issues still remained such as the length of time the crossing would be closed due to switching of the trains. BNSF also expressed a concern over the prospect of increased traffic from high speed passenger service. The representatives present indicated that they would adamantly oppose an appeal to the WUTC for a re-opening of the crossing.

The BNSF representatives seemed to understand the importance of an alternative link to I-5 for the city. They indicated a willingness to work with the city to obtain funding for an overpass by working at both the state and federal level to promote the project. They would also provide some direct financial aid to accomplishing the goal. Many of the details still need to be worked out with BNSF, but it now appears that the City can move ahead with some reasonable assurance that an overpass can be constructed. It was moved by Councilmember Hansen and seconded by Councilmember Landcastle to have staff work to develop a definite plan with BNSF based upon their recent correspondence outlining their obligations and what they would need from the City. Motion passed.

Staff also recommended that the City now proceed to do the preliminary geotechnical and environmental work which is a prerequisite to design. In order to obtain federal and state funding it will be necessary to have a project ready to go to bid with some well defined cost estimates. *It was moved by Councilmember Hansen and seconded by Councilmember Landcastle to recommend authorizing staff to seek RFQ's for the geotechnical and environmental work. Motion passed.*

PSE\UNDERGROUNDING OF POWER DURING MAIN STREET PROJECT

Greg Ebe presented the Committee with a revised budget for the Main Street project, noting the increase in cost as well as the increase in grant funds. The City's total obligation is now in the neighborhood of \$300,000. Estimates have been received from PSE for the cost of placing the overhead utilities underground during construction. This element has always been contemplated by the Council, but is also an optional item. PSE's total estimated cost is between \$132,000 and \$171,600. PSE will require a contract with the City for the performance of the work. The Committee asked for a week to review the contract documents. A recommendation is expected from the Committee at its meeting of the 12th.

THORNTON GAP ELIMINATION CHANGE ORDERS

Two change orders were presented from Harkness Timber for additional work being done as part of the Thornton Gap Elimination project. Both of these refer to work which is being done as part of the project and are to the benefit of the adjacent property owner, Self Help Homes. The total amount for the two change orders is \$3,236.74. This amount will be fully reimbursed to the City by Self Help. A third change order was contemplated at the time of execution of the contract for additional work the City wished to have done. this change order was for an additional 2" grind and overlay of the existing pavement of Thornton to allow for 2" class "B" ACP lap joint along the widened roadway. The Committee was of the opinion that the lap joint should extend to just beyond the center line of the road. Staff will discuss this with Harkness and present a redrafted change order for this work.

HIGH HEAD PUMP REPLACEMENT

Within the past year the City replaced one of the old high head pumps at the water treatment plant to provide power back-up. The second pump which is about 30 years old has now failed. It has already been rebound twice and is not rebuildable. The estimate for a new pump is between \$12 and \$15,000. Payment would need to be made from the utility reserve fund. *It was moved by Councilmember Hansen and seconded by Councilmember Reilly to recommend proceeding to bid. Motion passed.*

MAIN STREET UPDATE

Only one permit is left to attain before the City can go forward with the Main Street project. The HPA permit is required from the Washington State Department of Fish and Wildlife. Once that permit is obtained the project will go to Federal Highways and then back to D.O.T. with funding and authorization to proceed. The permit from WSDFW is being delayed and staff will begin work to get it released.

DOUGLAS ROAD

The Committee asked for an update on Douglas Rd. At this point we are still waiting for the appraisal work on the required right of way. Staff will have further information at the next Streets and Utilities Committee meeting.

Attachment "B":

STREETS AND UTILITIES COMMITTEE MEETING 6/12/02

**COMMITTEE MEMBERS PRESENT: MEL HANSEN, JERRY LANDCASTLE, MIKE REILLY
STAFF: ROLAND SIGNETT, LOREN SPERRY, GREG EBE, ENGINEER**

THORNTON GAP ELIMINATION PROJECT CHANGE ORDERS

The Committee previously discussed three change orders on the Thornton Gap Elimination project. The first change order was requested by the City with the initial acceptance of the bid and called for extra asphalt and a lap joint along the widened roadway. The amount of the change order is \$4,889.85. Two additional change orders are for work performed on behalf of Self Help Homes and is to be reimbursed to the City by them. Change Order #2 is to construct curb returns adjacent to the Self Help property in the amount of \$1,306.36. Change Order #3 is to install two 2" blowoffs at the end of the water main in the amount of \$1,858.50. *It was moved by Councilmember Landcastle and seconded by Councilmember Reilly to recommend acceptance of change orders 1,2, and 3. Motion passed.*

The Committee had also requested that a change order be prepared to extend the grinding and asphalt to the centerline of Thornton. The contractor's estimate was \$25 per sq. yd. to do the cold planing and asphalt work. This exceeds the original estimate. The engineer will discuss the issue with the contractor before any further action is recommended.

PUGET SOUND ENERGY AGREEMENT

The Committee reviewed in detail the proposed agreement with PSE for the undergrounding of utilities during the Main Street project. Several questions remain unanswered. Further discussions will be held with PSE to clarify issues.

LABOUNTY RD. TRUCK PARKING

Several complaints have been received regarding trucks parking on the north side of Labounty adjacent to Cost Cutter as they block the view of traffic coming from the east. Staff proposed signing the area as no parking of vehicles in excess of 7000 lb. G.V.W. *It was moved by Councilmember Landcastle and seconded by Councilmember Hansen to have staff prepare a resolution for recommendation to the Council. Motion passed.*

SIX YEAR TRANSPORTATION PLAN

The Committee has previously reviewed the proposed Six Year Traffic Plan. *It was moved by Councilmember Lavine and Seconded by Councilmember Hansen to recommend the Six Year Plan for a public hearing on the 1st of July. Motion passed.*

VISTA RIDGE SPEED LIMITS

A complaint has been received regarding vehicles speeding through the Vista Ridge subdivision. The City cannot legally install speed bumps. The city Administrator will speak to the Chief of Police about added surveillance and enforcement in the area.

WHATCOM COUNTY SIX YEAR TRANSPORTATION PLAN

The city has received a copy of Whatcom County’s proposed Six Year Comprehensive Street Plan. *It was moved by Councilmember Hansen and seconded by Councilmember Landcastle to recommend acceptance by the Council without comment. Motion passed.*

WHATCOM COUNTY FIRE DISTRICT 7 APPARATUS PRESENTATION

fire Chief Russell has a video regarding their proposed purchase of a platform truck which he offered to present at a council meeting. The Administrator will discuss a possible date with the chief for such a presentation.

Attachment “C”:

**RECREATION FINANCE COMMITTEE MEETING
6/12/02**

**COMMITTEE MEMBERS PRESENT: MEL HANSEN, RON WILSON, AL LAVINE
STAFF: ROLAND SIGNETT, PAT MILLIKEN, LOREN SPERRY, GREG EBE, ENGINEER**

BIDS ON TOSCO PROJECT

Bids were received on the proposed work to be completed at the Tosco complex. The purpose of the work is to secure the permits currently in place, with additional work contemplated for a later date. The work consists of completing the east parking lot, excavating the ponds on the west, drainage, grading the north two fields and seeding for stabilization. The low bidder was Henefin in the amount of \$344,812.79. *It was moved by councilmember Lavine and seconded by councilmember Hansen to recommend acceptance of the Henefin bid. Motion passed.*

An alternate bid was also received for rye seeding of the area. Henefin’s bid was \$6,750. *It was moved by Councilmember Lavine and seconded by councilmember Hansen to recommend acceptance of the alternate bid. Motion passed.*

DISCUSSION OF POSSIBLE BOND ISSUE FOR COMPLETION OF TOSCO

The committee briefly discussed the possibility of placing a bond issue on the ballot for September for the completion of the Tosco project. It was decided that this should be a topic of discussion for the Council strategic planning session set for the 24th of June. At that time the council could also undertake a discussion of the whole parks and recreation program.

Attachment “D”:

**MINUTES
Planning and Judicial Committee
Held Wednesday, June 12, 2002
City Hall Conference Room
1:00 p.m.**

**COMMITTEE: Councilmembers Marianne Elgart and Mike Reilly
STAFF: Roland Signett, Tom Black, Linda Knutson**

NEW FEMA FLOOD INSURANCE RATE MAPS (FIRM’s)

1. Requested Code Language Change

Planning Director Black presented the Committee with information concerning the Floodplain Management Ordinance (FMC 15.24.150(D), which deals with floodplain development standards. The section in question is not in compliance with FEMA regulations. FEMA has asked that the City change this section of the code to bring the City

back into compliance with FEMA regulations so that we can continue to be consistent with the requirements of the National Flood Insurance Program (NFIP). It is the NFIP that makes it possible for citizens of the community to purchase federally subsidized flood insurance.

The section of the code was added in 1991 via Ordinance #957 and apparently never reviewed or approved by FEMA as is required. The section says that in the area east of I-5, "alternate construction methods or mitigation measures" may be used in the floodplain or floodway. FEMA regulations allow such "alternate" methods to be used in the floodplain but *not* the floodway. The "floodway" is basically a "no-build" area where structures and fill is not permitted.

Councilmember Reilly motioned to remove the language "or floodway" from the code, which was seconded by Councilmember Elgart. Motion passed.

Director Black will prepare an ordinance for review by the full Council in the near future, but first the proposed ordinance must be reviewed and approved by FEMA.

2. Floodway Boundary Line - Resolution #02-06-17

FEMA has distributed for comment a new "preliminary" Flood Insurance Rate Map (FIRM) for all of Whatcom County. This new map, once adopted, will supplant the FIRM for the City of Ferndale which was adopted in 1983. FEMA has given all jurisdictions until the end of June to comment on the preliminary FIRM. Given that the old map and the new FIRM are basically the same, the city anticipated making few comments, however, during recent communications with DOE, FEMA, and County representatives, Director Black became aware of information that would support a request from the City for the "floodway" line to be changed on the new FIRM. This information consists of a Soil Conservation Service "work map" which served as a basis for the 1983 FIRM. A review of that work map shows that the floodway line was not drawn correctly. In some areas, the discrepancy between the work map and the FIRM appears to be simple mapping error. In one other area, the discrepancy is due to a City request in 1982 that the floodway line be drawn in a different location than shown on the work map.

All agencies agree that the SCS work map is a better source of information, and would "trump" the existing and new FIRM's. Based on this information, the City would submit formal comment to FEMA asking that the floodway lines on the new FIRM be revised to reflect those on the SCS work map.

The Committee felt that this was a sound request, since the request made back in 1982 by the city had not been based on anything other than zoning.

Councilmember Reilly moved to recommend adoption of Resolution 02-06-17, which would request adoption of the SCS work map lines. This was seconded by Councilmember Elgart and passed unanimously.

PLANNED UNIT DEVELOPMENTS - CODE REVISIONS

The Committee reviewed PUD's in conjunction with the ongoing code revisions being considered.

Councilmember Reilly moved to direct staff to draft an Ordinance repealing the PUD ordinance while staff develops new/updated regulations for same. This was seconded by Councilmember Elgart. Motion passed unanimously.

Staff will prepare an Ordinance for consideration at the Council meeting of June 17th.