H & H Properties hereby grants permission for County equipment and personnel to utilize our road for ingress and egress to the dike. The road is described approximately as follows:

> Portions of Government Lot 1, Section 24, Township 29 North, Range 2 East, and the Southeast Quarter of Section 13, Township 29 North, Range 2 East, W.M., Island County, Washington, lying within Diking Improvement District #4 plus adjacent tidelands; plus the right of egress and ingress over the dirt road connecting to the Southerly end of West Useless Bay Avenue and running Southerly to the North end of the dike and being 20 feet in width. Open areas adjacent to the northerly end of the dike may be used for temporary equipment parking and truck turn-arounds.

It is mutually understood that it shall be the County's responsibility to repair any or all damage sustained by the County's use of West Useless Bay Avenue, the dirt road and turn-around areas.

The County may cut and remove brush, small trees and obstructions which in the opinion of both parties interfere with access and repairs to the dike.

H & H Properties agrees to sell to the County from bank adjacent to the north end of dike 750 cu. yds. of sand/bare@$1.00 per cu. yd. and from bank alongside Newman Road Pit 950 cu. yds. of sand/bare @ $1.00 cu. yd. The County shall provide proper hauling documentation.

This agreement shall run for one year from the above date.

Sincerely,
William H. Sievers, President"

On that basis, Mr. Allen then drafted Resolution Number R-88-81 as presented to the Board for consideration at this time. He reported he did meet with the Prosecuting Attorney to discuss this matter, and had submitted to the Planning Department a waiver to the Shoreline Management permit process to be able to effect the emergency repairs to be able to take the fill material from within 200' of the shoreline area, and it is estimated that between 1600 and 2000 cubic yards of fill will be needed, and estimate that the total emergency repair will be less than $25,000.00. It was moved by Commissioner Kemp, seconded by Commissioner Dunlop and carried unanimously that the Board approve Resolution Number R-88-81.

S T A T E O F W A S H I N G T O N

C O U N T Y O F I S L A N D

IN THE MATTER OF EFFECTING EMERGENCY REPAIRS)
TO DIKING IMPROVEMENT DISTRICT NO. 4 DIKE AT) RESOLUTION R-88-81
USELESS BAY)

Whereas, on January 8, 1919, Diking Improvement District No. 4 was formed, and

Whereas, on or about November 15, 1920, the dike was completed, and

Whereas, during the weekend of November 14 and 15, 1981, a severe wind-storm accompanied by high tides caused serious erosion to said dike, nearly breaching said dike in several locations, and

Whereas, should the dike fail, tidal flooding will occur to property located behind the dike, and

Whereas, much of the property protected by the dike has been residentially developed, and

Whereas, the winter months are the period when Whidbey Island waterfront areas in general, including Useless Bay, are subject to repeated storm action, and

Whereas, if the dike is not immediately repaired, and the dike is breached, significant property damage and endangerment of people could ensue, and

Whereas, per provisions in R.C.W. 85.08 setting forth procedures for establishing and maintaining Diking Improvement Districts, the Board of County Commissioners has the power and authority to declare an emergency and take immediate steps to protect life and property.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of County Commissioners does declare an emergency and instructs the County Engineer to take necessary steps to effect emergency repairs to said dike to reestablish the integrity of the dike, to prevent flooding of the developed property behind the dike, and prevent endangerment of potentially affected residents, animals and wildlife.

ADOPTED this 23rd day of November 1981.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

Lou A. Romeo
E. Duane Kemp
Wm. F. Dunlop

ATTEST: Harry H. Ferrier
County Auditor & Ex-Officio
Clerk of the Board

AGREEMENT BETWEEN OWNER AND ARCHITECT FOR REMODELING OF EXISTING ISLAND COUNTY JAIL FACILITY

Mr. Allen presented a Standard Form of Agreement between Owner and Architect, Walker McGough Foltz Lyerla, P.S., Spokane, for design of a new Island County Detention Correction Facility and the remodel of the existing County Jail; total combined capacity is to be 50 residents, and all construction to be in compliance with the State Jail Standards and other applicable codes, standards and regulations. This is a contract to be paid for with State monies and is entered into with the understanding that no County monies are necessary to augment the project. On that basis, Mr. Allen recommended that the Board award the contract to the firm as specified. Commissioner Kemp commented that the County did have the grant from the State Jail Commission for the jail remodel/update, and had been working through Roy Allen with the architectural firm for approximately two months, and had extensively rewritten the contract so there is no question that any charge of money is only to come out of the money from the State. In the process of Mr. Allen's working with the architect on the contract, there is good liaison with the State Jail Commission, and were all in complete agreement that Island County has no money and that what is being signed for will be taken out of State funds. It was moved by Commissioner Kemp that the Chairman of the Board be authorized to sign the Contract with the Architect. Motion was seconded by Commissioner Dunlop. Rufus Rose, South Whidbey, asked if the County had an understanding with the State that Island County would not be responsible for any legal fees that may develop concerning administration of the Contract, whether or not the City of Coupeville had given written approval for this to take place within the City limits, and finally, how the County had programed in the budget for maintenance and operation of the facility when there is such a short fall of funds at this time. Commissioner Kemp responded that the County had wanted to be sure that by updating the jail facility the County would not be in a position whereby Coupeville would require the County to update the rest of the Annex Building, and did meet with City representatives and the County is satisfied there are virtually no problems along this line. Further, Mr. Kemp noted that in an effort to have Coupeville's cooperation with the County, the County Jail Advisory Committee is in the process of meeting and the members include the Building Director from the City of Coupeville, Councilmen and representatives from the City's Historical Society, and are involved, not only with the initial recommendations but also with the final policies. As to ultimate staffing, Mr. Kemp noted it would be an increase, and is one of the things which is being worked on closely with the architect. As to the question of legal fees, Mr. Allen stated at this time it would be inappropriate for a contract between the County and Architect since the Architect would not be involved in that aspect of it -- this would be something which could not be predicted and in such a situation would have to be something faced and confronted when incurred. Mr. Rose commented that the State should accept the responsibility if for some reason Island County becomes named in a lawsuit or wishes to initiate a lawsuit. Motion as made and seconded, carried unanimously.

REQUEST FOR DOUBLE ACCESS BY GENEVA A. FAIN, SEAVIEW #7, WHIDBEY IS.

David A. Jolly, Island County Engineer, presented request by Geneva A. Fain for double access for Lot 102, Plat of Seaview Division #7, 2098 W. Pine Wood Way, off West Beach Road, Whidbey Island. In talking to the Road Shop Supervisor, Mr. Jolly stated it was his understanding that Ms. Fain owns a motor home and in order to get this motor home in the driveway and a car in and out of the garage, the motor home has to be moved out of the driveway and out into the street, and therefore desires a second access on the other side of her lot for parking the motor home. Ms. Fain was present and confirmed Mr. Jolly's presentation, noting that when parked on the street, the motor home does present a safety hazard. There is no objection from the Road Department to the granting of the access, based on the following conditions:

1. The second access be primarily for the access for the use of the motor home only for the length of time Ms. Fain owns or uses the motor home;

2. Limit approval of the second access to the current owner so that any future owners of the property would have to come back in for a reconsideration of the second access; and

3. Require a 20' flatout as recommended by the Road Supervisor.

It was moved by Commissioner Kemp, seconded by Commissioner Dunlop and passed unanimously that the Board approve the double access as requested but in accordance with the stipulations just noted by the County Engineer.

REQUEST FOR DOUBLE ACCESS BY RICHARD HAMLIN, BUENA VISTA #3, CAMANO IS.

Roy Allen presented request for double access by Mr. Richard Hamlin, 996 N. Chick Road, Lot 4, Block 10, Buena Vista #3, for second access to be off Access Lane, (Conley Drive). Mr. Allen pointed out that he was on-site with Mr. Hamlin and noted his existing access problem -- his lot drops off fairly steeply from the road and he terraced his lot with a series of wooden-type retaining walls and lawn at various levels. Mr. Hamlin has several vehicles and it is difficult to get in and out of the upper area as pointed out in a diagram Mr. Allen used to explain the situation of the lot and current access. Mr. Allen stated that the road is a low-speed road, and if approved, the second access would not require a culvert and therefore saw no objection as far as the Road Department is concerned, and on that basis, recommended that the Board grant the access with the stipulation that Mr. Hamlin keep the retaining wall maintained. Mr. Allen pointed out there is some question of even whether or not the retaining wall would be on County property, but to be sure, the stipulation should be added if the permit is granted. Commissioner Dunlop questioned the problem of sight distance as the school bus makes the turn off Chick Road and goes down Conley Road -- being concerned about the fact that any vehicle leaving or entering the proposed off-street parking might not be visible from a vehicle coming down the hill. Another concern pointed out by Commissioner Dunlop was the question of soil stability effecting the residents, but noted that was perhaps answered by Mr. Allen when he had indicated that a bulkhead would be placed around the off-street parking. A further question would be that of setting a precedent in Buena Vista since there had been double access requests in the Buena Vista Plat before and had found it necessary to deny those -- considering those situations, Commissioner Dunlop asked if Mr. Allen still recommended granting this permit. Mr. Allen responded that Commissioner Dunlop was correct there was some sight visibility problem but only if with regard to small sports cars, but would not present a visibility problem for a school bus, and pointed out that the road was a low-speed road and would not present that big of problem. Mr. Allen commented, however, he had not been aware of other turn-downs for double access requests in that area, but noted these were usually considered on an individual basis. Mr. Allen stated that the height of the wall would not have to be too high to stabilize the bank and does not appear to be a critical type of soil. Commissioner Dunlop asked if it