Mr. McDonald submitted next Contract Amendment #22243-93453(1) Early Intervention Program, changing statement of work making payment contingent upon receipt of case count information. By unanimous motion the Board approved and authorized signature on behalf of the County on Contract Amendment #22243-93453(1) as presented.

HEARING HELD: PERMIT TO OPEN UNOPENED COUNTY RIGHT OF WAY PORTION OF FIRST AVENUE FROM CENTER STREET NORTH TO FIRST STREET, BLOCK B, PLAT OF SARATOGA

A Public Hearing was held at 10:15 p.m. for the purpose of Permit to open unopened County right of way, a portion of First Avenue from Center Street north to First Street, Block B, Plat of Saratoga (to be used for access to Lots 25 and 26, Block B, Saratoga, Bell's Beach area, by E. L. Arnold, Jr. & Jane H. Holm. Applicants were not present at the hearing.

Roy L. Allen, Island County Engineer, recommended approval subject to the following conditions:

1. Traveled way is to be 14' wide, with 2" crushed rock.
2. Roadway is to be graded, sloped and crowned to assure proper drainage.
3. Must leave a 6" swale for drainage. If ditch line erodes, will have to line with rip rap. Swale must be 8' from edge of pavement (gravel).
4. Culverts are to be installed where required. A minimum, size of 12" diameter is required.
5. Maximum Grade to be 12 percent.
6. A gravel base, Class "B", 0.50 foot minimum compacted depth, and 2" of crushed rock top course will be required.
7. Road must be inspected and approved by the County Engineer after completion.
8. Roadway will be privately maintained, per Appendix "A".
9. Right of Way survey to be completed at applicant's expense.
10. Applicant recognizes right of way is still public and is available for public use even though the improvements are privately financed and maintained
11. Subsequent applicants desiring use of the right of way for access will similarly be required to sign a maintenance agreement to assist in the maintenance of the access lane, until the Road Department takes over the maintenance.

Jean Karl, owner of Lots 49 and 50 bordering on the street proposed to be opened, questioned why applicant did not use the access to lots 27, 28 and 29. Her present access is off Center Street and Saratoga Road; she protested on the basis of not wanting any responsibility for that street, and that it was being done for one person.

Mr. Allen advised that this was being done by the applicant, for the purpose of opening the street for lots 25 and 26. Chairman Colby added that Ms. Karl would have no responsibility for that, unless she decided to use it, and then that issue would have to be negotiated.

While Commissioner McDowell understood the reason for maintenance agreements on private roads or new plat roads, he pointed out this was an older plat with a long established, although not built, right of way. He could see how the person wanting to use it must build

it, but did not see how the County could require someone after the fact to pay for use of a public road on public right of way, other than original applicant.

Mr. Allen proposed to ask that question of the Deputy Prosecuting Attorney through an assistance request.

Commissioner Shelton viewed the basic issue as having a public right of way someone expressed a desire to use as an access for a road and agreed to pay for all costs to improve same. How subsequent applicants are to be brought in as part of the maintenance agreement is a matter which Mr. Allen should address with the Prosecuting Attorney.

Mr. Allen could see no objection to that or any reason to force the applicant to use the other more narrow alley as access.

Jim Hossley, Engineering Department, had been on site about 1 to 1-1/2 months' ago, confirmed that the alley was not constructed. Towards the southeast the alley was being used; fairly wide in that there is no encroachment by homes in that area; actual existing width about 15-20' for right of way, and goes only to the southeast of Center. Minimum width of r/w for new development depends on the number of lots or units being served.

Commissioner Shelton moved to grant the application to perform, work in county right way with the conditions as outlined by the County Engineer, with condition #11 added only if determined a legal condition by the Prosecuting Attorney, otherwise condition #11 to be eliminated/revisited. Motion was seconded by Commissioner McDowell, and carried unanimously

REQUEST FOR DOUBLE ACCESS BY DEAN SHIRAZI, NEWMAN ROAD

Lew Legat, Assistant County Engineer, presented Double Access request by Dean Shrazi, referring to a sketch outlining the request for double access to Newman Road. The access served by a 20' easement through First Baptist Church parcel, accessing onto Newman Rd. The First Baptist Church parcel served by two approved accesses-this would be a third.

The Engineer suggested Mr. Shirazi work with the church on joint use of an existing access, but no agreement worked out, the Engineer recommended that the third access be granted on the First Baptist Church property to serve the Shirazi parcel, which would separate the residential and institutional uses on the sites. Newman Road posted at 35 mph, and Mr. Legat advised the road had good sight distance at this location.

By unanimous motion, the Board approved request for double access as recommended by the County Engineer.

NORTH WHIDBEY WATERSHED MANAGEMENT ADVISORY COMMITTEE

Based on recommendation of staff that Susan Moreno had been unable to attend North Whidbey Watershed Management Advisory Committee meetings for 6 months and would not be able to attend in the future, the Board by unanimous motion removed Ms. Moren from the committee, and appointed Mary Chapman to fulfill the unexpired term of Ron Chapman.

RESOLUTION #R-60-93 APPROVING SPECS & AUTHORIZING CALL FOR BIDS FOR NEW 1994 TILT TRAILER

By unanimous motion the Board approved Resolution #R-60-93 calling for bids for new 1994 tilt trailer, 40,000 lb. capacity, with trade in of Eqt. #318, a 1971 Miller Tilt Trailer, and set bid opening date for January 6, 1994 at 10:00 a.m.

STATE OF WASHINGTON
COUNTY OF ISLAND