

ISLAND COUNTY COMMISSIONERS - MINUTES OF EMERGENCY**MEETING - MARCH 10, 1999**

The Board of Island County Commissioners met in Emergency Session on March 10, 1999, beginning at 12:00 Noon, in the Island County Courthouse Annex, Hearing Room #3, Coupeville, Wa., with Mike Shelton, Chairman and Wm. L. McDowell, Member, attending. The Chairman called the emergency meeting of the Board as provided in R.C.W. 42.30.070 to deal with an emergency to expedite action to alleviate damage and beach erosion as a result of recent storm and flooding conditions in the area of Mutiny Bay on Pine Street, South Whidbey.

Also present were: Larry Kwarsick, Public Works Director; Roy L. Allen, Assistant Public Works Director/Stormwater Manager, and approximately five residents from the Mutiny Bay area.

The immediate emergency problem was described by Mr. Kwarsick and Mr. Allen, along with recommended remedial action: hire contractor with the work to commence this evening, the outfall to be saw-cut about 8' out from the bulkhead line.

The Board, by unanimous motion, voted to remove the outfall pipe in Mutiny Bay on Pine Street, the remedial action taken because of sand build-up and loss as a result of recent storm/flooding conditions, and adopted Resolution #C-24-99 [R-11-99] in the matter of Island County Proclamation of an Emergency to Remove Portion of Pine Street Drainage Outfall Vicinity Lot 19 Plat of West View.

It was clearly stated to the residents in attendance that removal of the outfall in no way admitted that Island County was liable for the loss of sand on their beaches. The Mutiny Bay beach area is fully photo-documented, including damage and beach erosion similar to this area of concern, but is well removed from any sand-trapping influence as alleged by some of the residents.

BEFORE THE BOARD OF COUNTY COMMISSIONERS**OF ISLAND COUNTY, WASHINGTON****IN THE MATTER OF ISLAND COUNTY)****PROCLAMATION OF AN EMERGENCY) RESOLUTION C-24-99****TO REMOVE PORTION OF PINE STREET) R-11-99****DRAINAGE OUTFALL VICINITY LOT 19)****PLAT OF WEST VIEW)**

WHEREAS, a group of citizens owning waterfront property located on the north side of the County's Pine Street stormwater outfall met with the Board of Island County Commissioners presenting their concerns that their concrete seawalls have been undermined, sand sucked from their front yards from under their seawall footings, threatening the stability of their homes and seawalls; and

WHEREAS, the owners claim that the County's Pine Street outfall installed in July, 1998, under CRP 98-12, is acting as a groin and causing the removal of the beach sand from the front of their seawalls; and

WHEREAS, the owners claim the beach will not be able to heal itself during this winter period exposing their property to more progressive damage; and

WHEREAS, the owners claim the progressive eroding away of beach sand has been observed by the owners since October, 1998; and

WHEREAS, the County has contacted a coastal geologist to study the problem, determine if the Pine Street outfall is contributing to the erosion problem, and to recommend corrective measures; and

WHEREAS, said geologist is not available to conduct his review until March 22, 1999; and

WHEREAS, the owners believe that more extensive and progressive damage to their property will occur unless immediate emergency action is taken now to remove the outfall; and

WHEREAS, the County is not sure whether or not the Pine Street outfall is the source of the problem until the County receives a report from the coastal geologist regarding the claim; and

WHEREAS, there is the possibility that more severe damage could occur to said owners properties, potentially increasing the public's liability by delaying action of the owners' request; and

WHEREAS, there is a present emergency which necessitates activation of the Island County Disaster Preparedness Plan and utilization of emergency powers granted pursuant to RCW 36.40.180, RCW 42.30.070 and RCW 36.32.270; NOW, THEREFORE,

BE IT HEREBY RESOLVED by the Board of County Commissioners that:

1. An emergency exists along the plat of West View beachfront properties located adjacent to and north of the County's Pine Street stormwater outfall in the SW ¼ of Section 15, T29N, R2E, WM, due to the beach sand being eroded away by winter storms undermining the foundations of the beach owners' seawalls, exposing wall footings, causing two walls to fail, threatening imminent failure of other walls, and the stability of the homes behind said seawalls.
2. That the County's emergency proclamation is not an admission of fault that the County's Pine Street outfall is the cause of all the damage.
3. Island County activates its local emergency plan and grants emergency use of local resources and authorizes use of emergency expenditures including waiver of hearing requirements under RCW 38.52.070(2) and RCW 36.40.180 and purchasing/contracting requirements under RCW 36.32.270.

ADOPTED this 10th day of March, 1999.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

[Absent: William F. Thorn, Member]

ATTEST: *Margaret Rosenkranz*

Clerk of the Board

APPROVED AS TO FORM:

David L. Jamieson, Jr.

Deputy Prosecuting Attorney

Emergency Session adjourned at 12:05 p.m.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

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[William F. Thorn, Absent]

ATTEST:

Margaret Rosenkranz,

Clerk of the Board