

ISLAND COUNTY BOARD OF HEALTH

MINUTES OF MEETING - JULY 13, 1998

The Island County Board of Health convened in Regular Session on July 13, 1998, at approximately 11:20 a.m., in the Island County Courthouse Annex, Coupeville, Wa. Board

of Health members present included: Wm. L. McDowell, Chairman; Tom Shaughnessy, Member; and Mike Shelton, Member. Others Present: Tim McDonald, Health Services Director; Tony Marthaller; Linda Morris; Ben Gillmore;

APPOINTMENT NAMED TO SERVE ON CHAB

The Board of Health, on a unanimous motion, appointed Josefina Santos, Oak Harbor, to serve as a member of the Community Health Advisory Board to fill a current vacancy in Position #17 with a term running until March 8, 2001.

CHAB UPDATE

Tony Marthaller provided a brief overview about the work being done by the CHAB, the

healthy community work being done as a result of the Public Health Improvement Plan funded by the Legislature in 1994. CHAB conducted a community assessment within which six health issues were identified by the community: alcohol abuse; tobacco use; domestic violence, drinking water; supporting youth; and injury. Youth was identified as the Number One priority of action for Island County. Earlier this year, CHAB joined with the Mental Health Advisory Board as well as Community Network and Whidbey General Hospital to form a coalition to support youth. The Coalition sponsored a Youth & Family Summit on May 9. There were 121 community members who attended; 13 community imperatives for supporting youth were identified:

North Whidbey Group:

- o community support a comprehensive youth facility that is currently being addressed by Partnership with Youth
- o formal and informal mentoring that fosters opportunities, understanding, communication and respect between youth, teens and adults
- o coordinated intergenerational comprehensive life skills education program
- o coordinated in-home support services for pre-natal to school-age children

Central Whidbey Group

- o establish intergenerational center
- o money and people with time to devote to supporting youth and families
- o communication education including planned intergenerational open forums with all ages working together; one-on- one contact between generations, parenting classes, publicity about current activities and information for older members about current conditions for youth

South Whidbey Group:

- o community center that includes a youth center, a gathering place for all ages, like a town square, an earth-friendly place where we celebrate community and centralized services provided for all socioeconomic backgrounds
- o acceptance education for adults and youth; celebration of diversity that begins early in life and takes place in schools and the community
- o school programs that include a variety of activities for all ages, such as mentorships with businesses

Camano Island Group

- o creating a community center; looking at pulling more youth into the coalition; potentially build multi-use facility in the Stanwood area and actively explore multiple sites which could include Camano Island and explore how that community center will be used.

A group of youth from Camano shared their ideas about what they wanted to see on Camano, including:

1. coffee house run by kids and parents, a place for younger kids to hang out, dances potentially and other activities
2. increased community parks and recreation such as bike trails, skate board parks, beach parties, community pool, playgrounds, skating rink, dances, and a "Camano Gorge" for concerts and dances.

CHAB encourages networking of already existing resources. In moving forward with this work, CHAB looks forward to having the community groups probably in December make a formal presentation about their work.

RESOLUTION #C-98-98 [HS-04R-98] IN THE MATER OF REVISION OF
THE SUBSTANCE ABUSE PREVENTION FEES SCHEDULE OF THE
ISLAND COUNTY HEALTH DEPARTMENT

Mr. McDonald presented a proposed resolution which if adopted would put in place the fees charged at the Island County Challenge Course [Ropes Course], establishing by resolution the actual fees being charged since May 15, 1998:

Youth Groups & Accompanying Adults \$5/pp/day+\$25/day course fee

Youth Related Adult \$10/pp/day

Adult \$20/pp/day

A \$25 deposit is required to reserve a course date. The deposit is non-refundable for cancellations of less than 5 days prior to the course date.

Minimum group size: 10

Maximum group size: 30.

Linda Morris shared with the Board a letter received from a Naval science instructor who brought 118 cadets from the NW Region Leadership Academy, Naval Junior Reserve Officers Training Corps, to the Ropes Course, with "glowing" words about the Ropes Course.

Commissioners Shelton moved that the Board adopt Resolution #C-98-99 [HS-04R-98] in the matter of revision of the Substance Abuse Prevention Fees Schedule of the Island county

Health Department. Motion, seconded by Commissioner Shaughnessy, carried unanimously.

BEFORE THE BOARD OF HEALTH

OF

ISLAND COUNTY, WASHINGTON

IN THE MATTER OF REVISION OF THE)

SUBSTANCE ABUSE PREVENTION FEES) RESOLUTION: C-98-98

SCHEDULE OF THE ISLAND COUNTY) [HS-04R-98]

HEALTH DEPARTMENT)

_____))
WHEREAS, the Island County Board of Health is empowered pursuant to RCW 70.05.060 to establish fee schedules for health services, and

WHEREAS, the Island County Board of Health has reviewed the fees for the Substance Abuse Prevention Services and supports a revision of the fee schedule, **NOW THEREFORE,**

BE IT HEREBY RESOLVED, that the fee schedule attached as Exhibit A shall become effective on the 1st day of August, 1998. Nothing herein is meant to change Health Department fees not mentioned in Exhibit A.

ADOPTED this 13th day of July, 1998.

BOARD OF HEALTH OF ISLAND COUNTY

WASHINGTON

Wm. L. McDowell, Chairman

Tom Shaughnessy, Member

Mike Shelton, Member

Attest: *Margaret Rosenkranz*

Clerk of the Board

EXHIBIT A

ISLAND COUNTY CHALLENGE COURSE FEES

TYPE OF GROUP	FEE*
Youth Groups and Accompanying Adults	\$5/person/day+ \$25/day course fee
Youth Related Adult	\$10/person/day
Adult	\$20/person/day

**Prices effective May 15, 1998*

Additional Fee Related Information:

A \$25 deposit is required to reserve a course date. The deposit is non-refundable for cancellations of less than 5 days prior to the course date.

Minimum group size: 10

Maximum group size: 30

For specific group or course requests contact the Program Coordinator

**APPEAL: WELL SITE WAIVER APPLICATION BY BERNIE
AND MARIE MILLER, WELL SITE INSPECTION, FORM 2/98,
R33218-392-3510, DENIAL OF WAIVER AND APPEAL**

Appeal at the request of Bernie and Marie Miller was heard by the Board. Mr. and Mrs. Miller were present, along with Dale Tyler who was assisting the Millers with their appeal. Also present was Linda S. Uhrich, adjacent property owner. Island County Code 8.09.120 provides that any person aggrieved by a decision of the Health Officer or his designee may, within ten calendar days, appeal the decision in writing to the Board of Health for hearing during regular session of said Board. By letter dated May 12, 1998, Bernie and Marie Miller requested an appeal of the decision of the Health Department to deny a waiver for: Well Site Inspection, Form 2/98, R33218-392-3510, Denial of Waiver and Appeal. Letter of denial was dated May 8, 1998, from Keith H. Higman, Environmental Health Specialist, as follows:

"This office has had an opportunity to review the referenced application and associated request for waiver. Based upon our findings, the waiver is hereby denied (copy enclosed). The criteria used to make this decision included: a Site Registration for the referenced property (C95-195N) noting that the site is not capable of supporting a sewage disposal system, the proximity of the proposed well site to neighboring properties, and the future possibility of the property owner to the south abandoning the existing well to connect to an alternative water source.

Pursuant to ICC 8.09.120, this decision may be appealed to the Island County Board of Health by submitting a written appeal within ten calendar days.

Please feel free to contact me at (360) 679-7350 should you have any questions regarding this correspondence."

STAFF REPORT

Joye Emmens, Environmental Health Director, presented the Island County Health Department Staff Report dated May 29, 1998, for the record:

MAY 29, 1998

**PROPOSAL, FINDINGS, ANALYSIS, CONCLUSIONS, AND RECOMMENDATIONS FOR
APPEAL**

Health Department File No. Well Site Inspection 02/98

1. SUMMARY APPLICATION AND RECOMMENDATION

APPLICATION: On January 14, 1998, Bernard C. Miller submitted a well site inspection application with a request for waiver from the siting requirements of ICC 8.09.070 for Assessor's Parcel Number R33218-392-3510. On May 1, 1998, the waiver was denied by the Environmental Health Director. On May 14, 1998, an appeal of the waiver denial decision was received from the applicant.

RECOMMENDATION: Denial

2. PRELIMINARY INFORMATION

APPLICANT: Bernard C. Miller

3711 - 164th Street SW, E-219

Lynnwood, WA 98037

PROPERTY LOCATION: Off Arrowhead Road, on north Camano Island, Assessor's Parcel Number R33218-392-3510, located in the northeast quarter of Section 18, Township 32 North, Range 03 East, W.M.

APPLICABLE ORDINANCES: ICC 8.09.070

DATE OF HEARING: July 13, 1998

DATE OF REPORT: May 29, 1998

PREPARED BY: Keith Higman, Environmental Health Specialist

PROPOSAL

Bernard C. Miller requests a reduction in the required one-hundred (100) foot radius surrounding a proposed individual well on a parcel of land approximately 75 feet wide (see attached map). The requested reduction in sanitary radius would be 95 feet to the south (Urich property) and 30 feet to the north (Mills property). An individual well exists within 20-25 feet of the proposed well site on the parcel of land to the south of the subject property. A 15 foot gas pipeline easement exists parallel to the northern property line of the subject parcel.

FINDINGS AND ANALYSIS

APPLICABLE ORDINANCES: ICC 8.09.070 (see attached Exhibit) requires that a sanitary control radius of one-hundred (100) feet be owned by the well owner in fee simple or legal provisions for control be obtained through recorded covenants. The applicant does not have sanitary control over a radius of 100 feet through either ownership or covenants.

1. The applicant has attempted to gain access to existing public water systems in the vicinity of the subject property. Although documentation does not exist in the file, the applicant has verbally provided evidence that no systems in the area are willing to provide potable water service to the property.
2. The applicants parcel has been subject to two separate Site Registrations (see attached Exhibits) in the past (6/17/75 and SR C95-195N). Both Site Registrations have noted that the subject property can not support a sewage disposal system.
3. Both of the properties to the north and the south have denied the applicant a Restrictive Covenant to encumber their land with a portion of the required 100-foot sanitary radius (see attached Exhibits).
4. The property to the south does have an existing well within 15-20 feet of the proposed well site on the applicants property. Documentation in the file shows that the well is hand-dug and suffers from poor water quality. Likewise, the property owner to the south has a binding agreement with their neighbor the south to share an alternative well should the dug well become inoperable or continue to suffer from poor quality (see attached Exhibit). Should the southerly neighbor chose to exercise this option, the hand-dug well would be abandoned, and therefore, open the area around the dug well for the installation of a new sewage disposal system of reserve area. This land owner wishes to leave their options open for future development of their property.

CONCLUSIONS

1. The applicants waiver request varies substantially from the requirements of ICC 8.09.070.
2. Should the property owner to the south exercise their right to connect to an alternative water source and

abandon their existing well, no restrictions for future development would exist in the area of their property proposed to be encumbered by the applicants sanitary radius. Approval of the Miller well site would place development restrictions on the property to the south within approximately 95 feet of their northerly property boundary.

3. Neither property owner contiguous to the subject property is willing to grant the applicant a restrictive covenant.

4. The subject property does not currently meet the requirements of ICC 8.07C for the installation of an on-site sewage disposal system.

RECOMMENDATION

Based upon the foregoing Findings and Conclusions, it is recommended that the decision rendered by the Environmental Health Director on Well Site Inspection 02/98 and the associated waiver be upheld and the appeal denied.

APPELLANT

Dale Tyler, Camano Island, recognized the lot was difficult but he thought not impossible. The Millers bought the property some years ago with the idea of retiring there. They now have now sold their home and moved into an apartment, but yet to get anything accomplished with Island County as far as their lot.

Bernie Miller stated they bought the property in 1980. Keith Higman had been very helpful; given them names of wells and who owned them and different systems in the area they could possibly we could go through. He had a copy of all the people they tried to meet with. The original Deed showed that the property was to receive water from a well [owner now is Rick Berry]. In talking with him, the Millers found that Mr. Berry had three people on that well already and he thought the well would not support any more than that, and advised that the well was not a registered system.

The Millers talked to Larry Rogers about going together on a well with the Millers willing to pay for it, but Mr. Rogers advised the well was in but was experiencing salt water intrusion and was going to look into a filtration system further himself. Since Mr. Rogers had an agreement with the Uhrichs, he further asked if he would be willing to share another system, and Mr. Rogers indicated he would supply the Uhrichs only if there was enough water after his needs were met, and that at the present time his well only was producing 2/10ths of a gallon a minute. They talked to Shorty Swiner [now deceased] who has the property directly across Arrowhead Road and was told that the well would not support two people, and got the same result when talking to Pat Burkey. Mr. Miller spoke to John Mills who owns property just north and offered to put in a well to share, but Mr. Mills already had a water share with Browns Point Water Association and did not need a well. The Millers then talked to the people who manage Browns Point Water Association and was advised that water was barely enough for those on the system now and in fact thought Mr. Mills might have trouble if he decided to hook up to that system. They spoke with Ford Mullen, allowed 8 hook-ups but only 7 plots on the map, but Mr. Mullen advised that he intended to spilt one of the lots and would need the 8th hookup. The bottom line for the Millers is to move on their property as planned.

Marie Miller confirmed they tried everything they thought feasible, and realized now they were naïve not to have secured water earlier. They did pursue the sewage problem and prepared a design that apparently would have been sufficient except for the need of potable water. They pursued the septic system first, knowing their Deed already contained the right to water, and were not totally aware that the limitation had been changed from 25' to 100' since they were non-resident property owners. Intent is as it was when they bought the property, a dream for retirement.

As far as the Browns Point Water system, i.e. the comment about Mr. Mills might not being able to hook up because of lack of water, Mr. Miller mentioned that to Mr. Mills but he was not ready to develop and was not interested at this time.

Mr. Tyler mentioned that this is the last of the franchise area for the Browns Point Water Association, and to bring the

Millers in would constitute an expansion.

ADJACENT PROPERTY OWNER

Linda Uhrich, with her husband Gayle, own the property to the South, and the Millers would like approximately a 95' intrusion into their property. At this point in time the well is a hand dug well. have water rights to the Rogers well because they now they have a delicate water system and may need to abandon that well in the future for a possible secondary drainfield. The situation on the north end of Arrowhead on Camano Island is that the beach houses have now become permanent homes and there has been building and seems to be more and more draw for buyers. In 1977 when they purchased their property they had considered buying the property to the north but at that time were told the short-comings of that property and decided not to purchase it. The Uhrichs wish to retain the right to the Rogers well so that if need be they can abandon existing well and put a secondary or reserve drain system in .

DISCUSSION/REVIEW

There was some discussion on the importance of Mr. Mills becoming informed because whatever the Millers' solution is may be very important to Mr. Mills future as a solution if he cannot hook up to the Browns Point Water system. Water shares do not always equate to being able to get water, as have the Millers found out and it is a major problem. The Chairman inquired if the Millers had looked into piping it out in the Sound for osmosis as is done routinely in San Juan County, and if that was an approvable system in Island County.

Ms. Emmens stated that type of a system would be a seawater intake, something that could be reviewed and approved subject to engineering, tidal situation at that location, review and approval of intake and the discharge to the intake, and several permits required from other departments.

Mr. Higman noted that two such systems on Ben Ure Island got to the point of approval but the applications withdrawn and the property up for sale. It is quite an expensive system. Mr. McDonald added to that by commented that two components were involved in such a system

and both carried a fair cost. Mr. McDonald noted as to the question "what does Uhrich well do to the Miller property and how was it achieved" that prior to 1990 there was no regulation. There would be certain activities the Health Department could not permit, i.e. putting a sewage disposal system.

Commissioner Shelton stated that based upon the size of this lot, one of the things that would come into question is what kind of a disposal system was designed. To say now a designer has a system that will work in spite of this turn down, unless it is an off-site drainfield, is another obstacle the Millers must achieve before being able to obtain a building permit.

Mr. Miller advised initially they had Watkins Enterprises, Inc., do another perc test to see if something had changed in the last 15-16 years, and that was the one that was turned down. Later they had Gudmunson Septic design a system, and a letter was received from sandy Hunt, Island County Health Department, stating that until they got water the Health Department could do nothing.

Mr. McDonald stated that the site was turned down based upon there not being sufficient soils -- site investigation was done and turned down early 1980 and recently in 1995. What Mr. Miller suggested is he has had a designer design a system for the lot even though it was a turn down. And Ms. Emmens responded that a design would not take away the turn down. A design can be submitted with a turn down, site registration, with waivers attached. A design was not submitted with the waiver package. The new information Mr. Gudmunson provided would not turn it into a lot suitable for suitable for Health Department records. There is some evidence of seasonal high water table, the soil is Type 6, a very tight compact material.

Commissioner Shelton agreed that a different design did not replace the fact there are not adequate soils to support an on site sewage disposal system. Soils indicate, according to copy of site registration attached to staff report, there basically is 10" of soil and Island County does not have the capability of approving septic systems with 10" of soil.

With regard to the Gudmunson Septic design, Ms. Emmens provided two general comments for guidance. She noted the design was for about 14' down but sewage systems can be installed only down to 10' so a waiver would be required. Also there is no treatment at that depth so for that waiver the Health Department would look at the effect on water quality in the area, especially considering the shallow hand dug well nearby. Because of evidence of

seasonable high water table, the Department would want to monitor that during high water season to see if it is historic mottling or an occurrence annually.

The Chairman had some concern about the issue of impacting with that well, if drilled in this proposed location, the neighbor to the south just as the Millers are impacted now to the north. He would be more inclined to provide a waiver for a drainfield and less inclined to allow impacting a neighbor to the south.

Ms. Uhrich stated that she and her husband have a master plan to upgrade their property for retirement purposes. First is the roof, next will be upgrading the septic system. They are going to need a secondary drainfield and she hoped their retirement would not be 20 or 30 years down the road. At this time she could not say for sure exactly when they plan to hook up to the neighbor's well. They do have water rights to the Rogers well. His water system to his house is pumping the 2/10th of a gallon a minute. She did not know the capability of the well but Mr. Rogers felt it was sufficient for two houses, but questioned whether or not it would be sufficient for three houses.

Commissioner Shelton noted the first issue was the drainfield to be resolved and the other

would be the Mills property and whether in fact they really have the availability of a hook-up, because between the two properties the width of the Mills property is 119' which makes the Millers very close to having 200' and if they are able to drill a well that would serve both the Millers and the Mills then the sanitary radius could be fully contained within a foot or so on both properties. If the Uhrichs chose to hook up to the Rogers well and abandon their hand-dug well that would give some flexibility on the placement if the Millers and Mills went together to drill a joint well.

Mr. Higman recalled that the Browns Point Water system was suffering from seawater intrusion so there may be issues related to the expansion of that system over and above their capabilities to provide quantity of water and it may be a quality issue. Taken into account the

Seawater Intrusion Policy, the County may not be able to allow that system to expand regardless of capacity, based on chloride levels and impacts from seawater. He will review the records for Browns Point Water system and agreed to provide a response to the request on behalf of the Millers on review of the public record of the Browns Point water System file to determine water availability, and Mr. Miller can take that letter to Mr. Mills.

The appeal as Commissioner Shelton explained is a narrowly defined thing which is to locate a well in a specific location, and that today is the only issue before the Board today. The Millers can then to Mr. Mills and advise the only prospect either has to provide water to the lots is to do so jointly. Therefore, he thought the Millers at this point would want the Board to deny the appeal so clearly Mr. Mills would know that in fact a well site as proposed will not be granted by Island County.

Mr. Miller agreed that at this point that action would make sense to him.

BOARD ACTION:

Commissioner Shelton moved denial of the appeal of Bernard C. Miller on Health Department File No. Well Site Inspection 02/98, Parcel #R33218-392-3510. Motion, seconded by Commissioner Shaughnessy, carried unanimously.

Chairman McDowell commented that a parcel 80' wide or a parcel 119' wide most likely could not hold a well; property owners along there need to be aware it takes close to 200' to get a well, and his observation was that the only hope for either parcel appeared to be working together cooperatively [Miller/Mills].

Meeting adjourned at 12:45 p.m. The next Regular Board of Health meeting scheduled for August 10, 1998 at 11:15 a.m.

BOARD OF HEALTH

ISLAND COUNTY, WASHINGTON

Wm. L. McDowell, Chairman

Tom Shaughnessy, Member

Mike Shelton, Member