

**Island County Board of Health  
Monday, December 16, 2002**

**Members Present:** Commissioners: Mike Shelton, Mac McDowell, William F. Thorn, Barbara Saugen, WGH Commissioner; Mayor Patty Cohen, Oak Harbor, Captain Donald Jensen, MC, USN (Ex-Officio Member); Roger S. Case, MD, Executive Secretary to the Board.

Commissioner Mike Shelton called this regularly scheduled meeting of the Island County Board of Health to order at 1:17 p.m.

**Agenda:** There were no additions to the agenda.

**Minutes:** Commissioner Bill Thorn moved that the minutes from the November 18, 2002 meeting be approved as written. Mayor Patty Cohen seconded. The minutes were approved for the Chair to sign on behalf of the Board.

There was no input from the public.

**Issues: Hearing**

Environmental Health Director Keith Higman presented the Wight-Waiver Request for Sanitary Radius Reduction. He stipulated the reasons for the Health Departments decision regarding their recommendation for disapproval as a public water source. He outlined the mitigation options based on the applicable ordinances: ICC8.09.070. Waivers are granted whenever there is technical justification. Mr. Higman reiterated that the BOH could limit the connections, ICC8.09.110 states that the Health Officer may, upon concurrence of the Board of Health, waive such rule or regulation or portion thereof, provided that the waiver is consistent with the intent of these rules and regulations and that no public health hazard will result.

**The Proponents:**

Reginal and Corinne Wight presented their arguments as to the reasons that they feel their waiver request should be granted:

- In 1991 surveys were not required to site a well.
- The well was drilled where it was upon the advice of the well driller.
- In 1997 the Wights had a survey done and learned that the well radius was less than the 100 feet from the road surface. At that time they submitted a short plat with a revised map indicating the location of the well to Planning, noting the corrected dimensions.
- In September 2002 they were notified by the Health Department that 20 feet of their well's required radius extended onto the county road. When their waiver request was then denied by the health department, they hired Engineer George Bratton to give his interpretation and proposed mitigation permitting consideration for waiver of the well siting. (see attachment)

**The Opponents:**

Craig D. Magnusson, Attorney for Rod & Marilyn Swagert and Ron & Sheila Parra, owners of property in the vicinity of the proposed short plat, outlined the reasons that the waiver should be denied:

- The well driller wasn't asked to redrill, although there is no technical reason precluding this being done.
- A waiver would preserve a lot for a building site; State Health Code does not allow for developer's mistakes, and an 80' radius downhill from a road does not meet State Code.
- There is no engineering justification for approving a waiver.
- The burden of setbacks always rests with the developer.
- The preliminary approval in 1991 was based on potable water being available. A survey was not required by Code.
- A 4-house connection is not exempt from a survey.
- Location of road right-of-way is easy to know, and should have been measured before drilling was done.
- WAC246-291-110 4a "Owners of new or expanding surface water or GWI sources shall ensure the development and submittal of a watershed control program to the department for review and approval. Once approved, the owner shall implement the program. This was not done in timely fashion.
- WAC246-291-110 4b "This program shall be part of the water system plan required in WAC246-291-140."

Commissioner McDowell asked why the waiver should not be approved? Mr. Magnusson reiterated that the burden is on the developer to maintain minimum setbacks and once approved, to develop in a timely fashion.

Marilyn Swagert-362 N Sunrise Blvd., Camano said that Sunrise does have a lot of traffic. She expressed concern about the possibility of groundwater contamination from road run-off.

Ron & Sheila Pera expressed their concern about the well and the consequences of creating and paving a ditch on the downhill side of the road. "Where is that run-off being directed?" Sheila said that 29 people that live in the area "are against the approval of the waiver and have signed a petition stating such."

Commissioner Mac McDowell proposed that the BOH table this waiver request for a month with comment that this proposed tabling is to await an upcoming ruling from the Land Use Hearing Examiner regarding whether or not the Wight's 4-lot short plat development plan will be approved. Commissioner Mike Shelton asked that this proposal be put into a motion. Commissioner Mac McDowell moved that the BOH delay their decision on the appeal until the next BOH, January 13, 2003, to learn if this appeal will be concerning the proposed 4-lot well or a single-party well. Such a delay is neither in support for nor against the Hearing Examiner's ruling. Commissioner Bill Thorn seconded, and the motion passed unanimously.

Commissioner Barbara Saugen moved that the 2003-2004 consolidated Contract with the DOH, Contract No. C08679 in the amount of \$494,764 be approved; Mayor Patty Cohen seconded. Health Services Director Tim McDonald commented that the DOH would only commit funding for the first 6 months of 2003. The motion passed for the Chair to sign on behalf of the Board.

Mayor Patty Cohen moved that the Receptionist/Camano-Community Mental Health Department Contract No. HD-20-02 in the amount of \$500.00/Mo., not to exceed \$12,000 for 2 years, be approved. Commissioner Bill Thorn seconded; the motion passed for the Chair to sign on behalf of the Board.

Health Services Director stated that the Health Department's annual report will be given at the next BOH meeting January 13, 2002, and that since both the January and February BOH meetings will be Special Sessions (because of holidays falling on the usual 3<sup>rd</sup>-Monday-of-the-month meetings), the agendas will have to be set.

There being no further business, Commissioner Mike Shelton adjourned the meeting at 2:22 p.m. The scheduled Board of Health will reconvene in Special Session Monday, January 13, 2003 at 1:15 p.m.

Submitted: Roger S. Case, MD, Executive Secretary to the Board

Minutes approved this 13<sup>th</sup> day of January 2003.

**ISLAND COUNTY BOARD OF HEALTH**

Wm. L. McDowell, Chairman