

**Island County Board of Health
Special Session Monday, January 13, 2003**

Members Present: Commissioners: Mike Shelton, Mac McDowell, William J. Byrd; Barbara Saugen, WGH Commissioner; Mayor Patty Cohen, Oak Harbor, Roger S. Case, MD, Executive Secretary to the Board.

Absent: Captain Donald Jensen, MC, USN (Ex-Officio Member)

Call to Order: Commissioner Mike Shelton called this special session of the Island County Board of Health to order at 1:17 p.m.

Agenda: Being a Special Session, there were no additions to the agenda.

The first order of business was to elect a new Chair for the year 2003. Commissioner Mike Shelton nominated Commissioner Mac McDowell to fill the position of Chairman of the BOH for the year 2003. Mayor Patty Cohen seconded. The motion passed unanimously, and Commissioner McDowell assumed the Chair.

Minutes: Mayor Patty Cohen moved that the minutes for the December 16, 2002 meeting be approved as written. Commissioner Barbara Saugen seconded. The motion passed for the Chair to sign on behalf of the Board. .

Issues:

Hearing (continued): The attorney for the Wights asked for an additional continuation of the Wight-Request for Reduction of Sanitary Radius for the Construction of a Public Water System until March 17, 2003 in order to consider an impending ruling by the Land Use Examiner in late February. Commissioner Mike Shelton moved that the Wight's Hearing be continued until March 17, 2003. Commissioner Patty Cohen seconded. The motion passed.

Appeal (Carpenter): On October 2, 2002 the Health Department received an application from Maralaina Carpenter for a nonconforming on-site sewage disposal system. The Health Department denied this application on November 13, 2002, and the Carpenters filed an appeal on November 22, 2002.

Keith Higman, Environmental Health Director began by presenting a description of the Carpenter's property which is located in a recreational area having no road access to the several properties along the beach, entered by community trail only. The approximately 500 square foot cabin on the appellant's property was erected over 50 years ago with an outhouse as the sole method for human waste disposal. In 1994, the health department granted the then owners of this property a permit for construction of a proposed on-site septic system. This permit expired in 1997 without a septic system having been constructed. In January 1997, an exceptionally heavy snowfall/rainfall caused the hillside behind the cabin to slide onto the property, destroying the outhouse and dumping 2 – 3 feet of soil and debris onto much of the property around and into the cabin itself. This deposit now covers the proposed construction site for the appellant's septic system.

Mr. Higman explained to the Board the details of the Department's denial of a permit to construct an onsite septic system, citing the present Island County Code for on-site systems for new/remodeled structures such as the Carpenters propose. He explained that the only manner in which an onsite system may be constructed in compliance with what the Board might now approve would require these possibly prohibitive considerations:

1. The outhouse is not subject to "repair" under this act (damage to an existing septic system... nonexistent since January 1997).
2. A Table 6 repair with a waiver for a reserve drain field that does not meet the required setback from marine water.
3. The slide debris/soil would have to be removed — the septic system could not be placed in the slide fill soils.
4. The native soil on the property is Type 6 soil, which cannot be approved for an on-site septic system.
5. The Board's consideration that there is not the required vertical separation in the native soils on the property, prohibiting permitting even a nonconforming onsite septic system.
6. Consideration of the continuing unstable slope immediately behind the property. State WAC and Island County Code both state "Persons shall design and/or install disposal components only where the area is not subject to cover by impervious material."
7. Notation that no new construction/repair of the cabin could be made outside the present 'footprint' of the cabin.

Citing the following, Mr. Higman concluded by stating that in the opinion of the Health Department the application design does not conform to State and local code, and asked the Board to uphold the Health Department's denial:

- The existing 'septic system' is/was an outhouse, nonexistent for the past 6 years.
- The cabin is dilapidated beyond repair — a replacement is needed for livability. (precludes a table 6 repair)
- There is no evidence of native permeable unsaturated soil on the site (precludes installation of onsite systems)
- There is not the required vertical separation to permit an onsite system.
- The proposal does not meet the required setback from marine waters (less than the waiverable 75 feet)
- Slope failure considerations preclude granting approval.

The Proponent: Maralaina Carpenter presented her reasons as to why she should be granted a waiver from the Code, stating that the property has

been in her family's possession for 56 years, and that the property is located in a walk-in community with no road access. From 1994 – '97 her cousins owned the property and did not act on the permit granted in 1994. After the slide occurred, she purchased the property from her cousins and, when a new water system was installed in the community, paid \$5000 to construct the water system along with the owners of the other community properties. She continued by stipulating the following:

- The outhouse has served as the septic system as long as she could remember, and is the only outhouse in the community.
- The proposed design meets all the requirements for septic replacement under Code 8.07C.260.
- The soils on the property are an acceptable type, "not described in county code", for installation of an onsite system.
- According to her geotechnical report, the bank behind cabin is not "unstable". There is additional risk but only if certain weather conditions were present. (The slope failure occurred following an unusual accumulation of 2 feet of snow followed by warm weather and a severe rainstorm.) The geotechnical report states that the soil on the bank is sand-overlying clay.
- Her application has a setback that would meet Code 8.07C100.
- The present cabin is indeed sound and repairable... no new construction is required to make the cabin livable.

Ms. Carpenter concluded by stating that the outhouse should be replaced by an approved septic system "which would be better than the present outhouse", and by requesting further consideration for addition of "enough additional space to add a bathroom to the cabin".

The Board members questioned both Environmental Health Director and Ms Carpenter. After much discussion of the type soils, the slope considerations, the required separations and setbacks, Commissioner Mike Shelton moved that the Board of Health grant an appeal for a septic permit for Parcel number R32812-000-0100 with approval for a Table 6 repair installation of the proposed nonconforming septic system, authorizing the right for the owner to build a 60 square foot addition for a bathroom only to be attached to the 500 square foot cabin, and the approval is based upon the design submitted the 2nd of October, 2002.

Commissioner Barbara Saugen seconded; the motion passed unanimously.

Contracts:

Mayor Patty Cohen moved that Passport-DSHS Contract No. 20872, Amendment 6 (Amendment amount \$9,068) Contract amount \$77,005 be approved. Commissioner William Byrd seconded. The motion passed for the Chair to sign on behalf of the Board.

Commissioner Barbara Saugen moved that SPS/PHN-Child Abuse Prevention-DSHS Contract No. 20958, Amendment 5 (Amendment Amount \$10,716) Contract Amount \$88,216 be approved. Commissioner Patty Cohen seconded. The motion passed for the Chair to sign on behalf of the Board.

Mayor Patty Cohen moved that Grantwriting/Fundraising Services-Whidbey General Hospital Contract No. HD-01-03 Contract Amount \$18,101 be approved. Commissioner William Byrd seconded. The motion passed for the Chair to sign on behalf of the Board.

Commissioner Barbara Saugen moved that Drinking Water Sanitary Survey Class A Systems-DOH, Contract No. N10792, Amendment 1 (Amendment Amount \$5,250) Contract Amount \$15,500 be approved. Mayor Patty Cohen seconded. The motion passed for the Chair to sign on behalf of the Board.

Report from the Health Department: Health Services Director Tim McDonald stated that he would like a Special Staff meeting to discuss West Nile Virus-Mosquito Abatement. He would like the meeting to be February 1st. Commissioner Mac McDowell said that a Storm Water meeting was scheduled soon in Bellingham and that perhaps the secretary could search for a suitable date that would accommodate all the Board members.

Mr. McDonald then presented the Annual Island County Health Department Annual Report by presenting a slide show and giving a brief outline of the Island County Health Department:

- **Mission**-The Island County Health Department is dedicated to protecting and improving the person and environmental health of our residents through community partnerships.
- **Management Team** (members named, staff picture presented)
- **Locations** (Oak Harbor, Coupeville, Maxwelton Road, and Camano offices described)

Health Department Divisions were described: Assessment and Community Development, Human Services, Environmental Health Services, Personal Health Services, and Vital Statistics

- **Assessment & Community Development**-Assessing the health of the people and the environment; technical support regarding grant writing; facilitating community meetings.
- **Human Services**-Mental Health, Substance Abuse, and Developmental Disabilities sections described

- **Environmental Health Services**-Programs-Food Protection, Drinking Water Program, On-Site Sewage Disposal, Solid Waste Program, Physical and Chemical Hazards, Shellfish Program, Living Environment Program, Water Resource Protection Program (brief description of each was presented).
- **Personal Health**-Programs-Communicable Disease, Tuberculosis testing, HIV/AIDS and Sexually Transmitted Diseases, Immunizations, Healthy Families-Healthy Baby Island County, WIC, Maternity Support, Oral Health, ABCD Program (Access to Baby and Child Dentistry), Physical Activity, and others.
- **Vital Statistics** - Certified copies of birth and death certificates.

Mr. McDonald concluded with a brief presentation of the projected Health Department Revenue sources for 2003:

Health Department Revenue Sources for the year 2003:

County Current Expense 17%; Grant Revenue 36%; Fees 47%

Alcohol/Substance Abuse Revenue year 2003:

96% Grant Revenue; 3% Ropes Course; 1% Liquor Excise Taxes.

Developmental Disabilities Revenue year 2003:

76 % Grant Revenue; 14 % Millage; 10% Balance Forward

Mental Health Revenue year 2003:

47% Millage; 36% Grant Revenue; 17% Balance Forward

There being no further business, Commissioner Mac McDowell adjourned the meeting at 3:40 p.m. The scheduled Board of Health will reconvene in Special Session Monday, February 10, 2003 at 1:15 p.m.

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

Minutes approved this 10th day of February 2003.

ISLAND COUNTY BOARD OF HEALTH

Mac McDowell, Chairman