

Minutes of the Island County Board of Health  
Regular Meeting Monday March 15, 2004

Members Present: Commissioners: William J. Byrd; Mac McDowell, Mike Shelton; Barbara Saugen, WGH Commissioner and Captain Susan B. Herrold, NC USN (Naval Hospital Oak Harbor; Roger S. Case, M.D., Executive Secretary to the Board

Absent: Mayor Patty Cohen, Oak Harbor

Call to Order: Commissioner William J. Byrd called this session of the Island County Board of Health to order at 1:15 p.m.

Additions or Changes to the Agenda: At this time Health Services Director Tim McDonald asked that Contract No.: HD-11-02 (3) for Mary Jane Lundgren be added to the contracts section. This request was approved.

There was no public input or comments.

Minutes: Commissioner Mac McDowell moved that the minutes February 9, 2004 be approved as written. Commissioner Mike Shelton seconded. The minutes were approved and the Chair will sign on behalf of the Board.

CHAB appointment/reappointments: Commissioner Barbara Saugen moved that:

- Chari McRill be appointed to position No. 3 for a 3 year term
- Rita Jones is appointed to Student Membership Position for a 2-year term.

Commissioner Mike Shelton seconded. The motion passed.

Commissioner Barbara Saugen proposed the following CHAB members for reappointment:

- |                       |                |             |
|-----------------------|----------------|-------------|
| • Sharon Little       | Position No. 2 | 3-year term |
| • Kristy Miller       | Position No. 4 | 3-year term |
| • Lcdr. Jamie Kersten | Position No. 5 | 3-year term |
| • Kathryn Stevens     | Position No. 6 | 3-year term |
| • Charles Scurlock    | Position No. 7 | 3-year term |

Commissioner Mike Shelton moved that the people listed above be approved for reappointment to CHAB for three-year terms to the positions listed. Commissioner Mac McDowell seconded. The motion passed unanimously.

Hart Hearing:

Staff Report: Environmental Health Director Keith Higman reviewed the Health Departments analysis of the appeal and stated that nothing had changed. To recap: A Table Six Repair had been done in 1999 — the repair being good for a Mobile Home only (which had been removed from the site.). February 2003 and May 2003 soil evaluations were done with each being found to be unsuitable for new construction. The Harts appealed in June of 2003 with the initial hearing on Aug. 29, 2003 following which a second hearing was scheduled for the December 15, 2003 Board of Health for the purpose of determining when would be an appropriate time to learn the results from testing of the site through the wet season. These tests were completed March 4, 2004. The site still does not meet standards for new construction. Mr. Higman asked the Board to uphold the staff's initial and continued decision and deny the Hart Appeal.

Appellant: Mr. Steve Hart, owner of the property, related having purchased the two parcels knowing of the restrictions of the Mobile Home and knowing that there was not a suitable site for an on-site reserve area. He purchased the neighboring parcel with a site registration done in 1984 showing more than 12 inches of soil. Other tests were done and in conversation with a designer there was speculation that a Glyndon septic system could be installed. After meeting with staff on March 3, 2004 on site, it was

determined again that there were no soils to support an on-site system. Mr. Hart was concerned that he had not received written notification of the results. He then asked the Board to read the portion of the BOH minutes for August 18, 2003 concerning the difference between Modular Home and Mobile Home. Following a brief discussion, Mr. Hart then asked that the stipulation stating that a mobile home only can be placed on the parcel be removed.

After much more discussion and clarification concerning soils and the code by Health Services Director Tim McDonald and Environmental Health Director Keith Higman, Mr. Higman stated that the health department has evaluated this parcel many times over the past several years, and has consistently held that the soils on this site preclude anything but a Table Six Repair, which allows the owner to make the best of an otherwise unbuildable site. Such repair requires, in this instance, that only a similar structure, i.e. a mobile home, be replaced on this site.

Commissioner Mike Shelton moved that Board uphold the staff's decision and deny the appeal but to change the permitting to allow for a modular home of similar size (square footage not to exceed that of the original) to replace the mobile home. Commissioner Mac McDowell seconded. The motion passed with Barbara Saugen voting no. This approval is understood to be a continuance of a Table Six Repair.

#### Contracts:

Commissioner Mac McDowell moved that Snohomish Health District-Region 3 AIDS, Contract No: HD-03-04, for the amount of \$69,905 be approved. Commissioner Mike Shelton seconded. The motion passed and the Chair will sign on behalf of the Board.

Commissioner Mac McDowell moved that Mary Jane Lundgren, DDS Contract No. HD-11-02 Amendment 3, in the amount \$39,637, Amendment Amount: \$6,000 be approved. Commissioner Mike Shelton seconded. The motion passed and the Chair will sign on behalf of the Board.

Commissioner Byrd called for a break in the proceedings at 2:25 to prepare for the Public hearing at 2:30p.m.

#### Public Hearing:

Health Services Director asked for approval of the revisions of the Island County Code 8.08A Solid Waste Regulation to bring County Code in alignment with legislation approved by the State in February 2003. The Dept. of Ecology provides funding for many Island County programs provided current code is in compliance by 15 April 2004.

Environmental Health Director Keith Higman emphasized that the proposed changes also make it easier for interpretation of the code by the way it is structured.

Michael Barenburg, Environmental Health Specialist, read the recommended changes to the code. (see attachment) Commissioner Mac McDowell requested Phil Bakke, Planning Director, to attend this hearing since the Planning Commission has already passed Zoning Junk Code PLG-030-03. (see attachment) He felt that their code and the Health Department Solid Waste Code 8:08 should be unified in their definition of junk. After input from Rufus Rose, a citizen of Island County, regarding the monitoring of the ground water from land fills, and questions and answers regarding the recommended changes, the Board decided to approve the changes of the Code 8.08 with certain modifications of the wording. (see attachment) Commissioner Mac McDowell moved that the Island County code 8.08 be approved with these specified changes:

- Under the definition of junk, use the definition that is listed in the Zoning Junk code PLG-030-03
- Page 2 Land Use Regulations describe Outdoor Storage of Junk and Junk Vehicles

Commissioner Mike Shelton seconded. The motion passed unanimously. Health Services Director Tim McDonald said that all requested changes would be made, but had to be initialed by each Commissioner on the original.

Adjourn: There being no further business, Commissioner Byrd adjourned the meeting at 4:00 p.m. The next regularly scheduled Board of Health meeting is April 19, 2004 at 1:15 p.m. in the Commissioner's Hearing room.

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

Minutes approved this 19<sup>th</sup> day April 2004.

ISLAND COUNTY BOARD OF HEALTH

*William J. Byrd*, Chairman