

Minutes of the Island County Board of Health
Regular Meeting Monday May 17, 2004

Members Present: Commissioners: Mac McDowell, Mike Shelton; Mayor Patty Cohen and Captain Susan B. Herrold, NC USN (Naval Hospital Oak Harbor); Roger S. Case, M.D., Executive Secretary to the Board

Absent: Commissioner William J. Byrd; Barbara Saugen, WGH Commissioner, Oak Harbor

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

Minutes: Commissioner Mac McDowell moved that the minutes for the April 19, 2004 meeting be approved as written. Mayor Patty Cohen seconded. The motion passed for the Chair to sign on behalf of the Board.

Additions or Changes to the Agenda:

Tim McDonald stated that Dori Johnson would be giving a report on WIC during the Report section of the agenda. He asked that a Waiver Request (Anderson) that was continued at the January 12, 2004 BOH meeting be brought before the Board for consideration. He also requested that the Wagner waiver be heard first, with Jones second and Anderson third. (These will be brought up at the waiver appeal section)

There was no Public Input or Comments.

CHAB Appointments: Health Services Director asked the Board to consider Kristin Semenock, for Position 18, term 2 years. He advised the Board that Barbara Saugen WGH Commissioner recommends her approval for the position. Both Ms Saugen and Dr. Case interviewed Ms Semenock. Mayor Patty Cohen moved that Kristin Semenock be appointed to position 18, for the term of 2 years. Captain Susan B. Herrold seconded. The motion passed.

Advisory Reports:

- Opportunity Council: Lisa Clark presented each Board member a copy of the 2003 annual status report for the Island County Opportunity Council operation, along with the formal annual report of the parent organization. Their annual meeting was a couple of weeks ago and Commissioner Byrd was in attendance. Island County Opportunity Council has an ever-growing presence in this community where housing continues to be a critical need. The high cost of housing in Island County combined with low average household incomes is creating a population living on the edge of homelessness. (see attachment) HUD is issuing no more vouchers.
- Community Health Advisory Board: David Macys presented the Community Health Advisory Board's report. (see attachment)
Priority Health Issues - Infants, Children and Families, Public Awareness, Education and Outreach
Membership is down by 5 positions; still vacant are the 2 adult and 2 student Camano positions, and 1 each from north, central and south Whidbey Island. Two outstanding students are graduating this June and will leave openings for new students. CHAB is planning their annual picnic in August to be held at the Park in Coupeville.
- Environmental Health Assessment Team (EHAT): Laurie Mosolino presented the EHAT quarterly report, informing the Board that EHAT has ranked and prioritized four environmental health issues and will be focusing their time and efforts initially on the issue of Illegal Dumping. (see attachment) She then described the Teams plans to approach the issue, and EHAT's intention to move on to other issues when finished.

Ordinance No. C - 61 - 04: Health Services Director advised the Board that there was a need to set a Public Hearing Date to Amend C-28-04 (In the Matter of Amendment to the effective date of Ordinance C-28-04, Solid Waste Handling Rules and Regulations of the Island County Board of Health) and proposed that such hearing be set for the next Board of Health, June 21, 2004. This amending ordinance would be No.: C - 61 - 04. Mayor Patty Cohen moved that a Public Hearing to address this issue be scheduled for June 21, 2004 at 1:15pm.

Commissioner Mac McDowell seconded. The motion passed.

Waiver Requests:

1. Dr. Willard Wagner-Class C Waiver-On-Site Sewage Disposal System

Keith Higman first advised the Board about the different types of waivers:

Class A waivers deviate from state regulations

Class B waivers can be negotiated by the Local Health Jurisdiction

Class C waivers do not meet the criteria for either Class A or Class B waivers

He then explained that the objective of this Class C waiver application is to establish a clear and consistent permitting process in Mariner's Cove that will be in compliance with the rules of WAC 246-272, acknowledging environmental concerns in fairness to all current property owners in the Mariner's Cove plat. Historically, over the years site registration and sewage permit decision approvals in Mariner's Cove has been one of inconsistency. (See attachment)

Both Island County Health Department staff and the Washington State Department of Health have reviewed Dr. Wagner's sewage permit and waiver application for lot #165 Mariner's Cove and concluded that the proposed design meets the mitigation requirements specified for a Class C waiver. The Island County Health Department recommends approval of Dr. Wagner's waiver request. Commissioner Mac McDowell moved that Dr. Willard Wagner's Class C Waiver for On-Site Sewage Disposal System for lot 165 of Mariner's Cove be approved. Mayor Patty Cohen seconded. After further discussion by the board members, the motion passed unanimously.

2. Darryl Jones-Waiver for Sanitary Control Radius

Keith Higman presented a brief summation of the waiver request. The subject parcel is approximately 330 feet wide and 330 feet long. The existing well was drilled in March 2004 and has been recently determined to be only seventy-nine (79) feet from the easterly property line. Darryl Jones requests a waiver to reduce the sanitary control radius on the easterly property line to 79 feet (a twenty-one foot reduction).

Mr. Higman explained that from a resource protection and public health perspective, the reduction in the sanitary control radius to 79 feet should not compromise the use of the well as a single family drinking water source because of the existence of significant protective layers beneath the surface. On this basis alone, staff recommends approval of the waiver request. Should the BOH consider approval of the requested waiver, staff recommends that the well be limited to an individual drinking water source, and notes that such approval would place some restrictions on the use of the neighboring property that lies within the 100-foot sanitary radius required for a drinking water source.

Jerry Metz, the neighbor who resides at 489 Stein Lane, Camano Island, and whose property would be encumbered by such approval stated his reason for disapproval of the requested waiver. He and his wife do not want any restriction placed on their property. He continued by stating that they have also filed a civil suit against Darryl Jones for actions Mr. Jones has already taken on what has been determined to be their property. (See attachment)

Mr. McDonald then passed to each Board member a letter dated May 13, 2004 from a David and Melinda Gladstone, who also live on Camano Island, stating their objection to the Darryl Jones waiver request. (See attachment)

After further discussion, Mayor Patty Cohen moved for denial of Darryl Jones' waiver request. Captain Susan Herrold seconded. Commissioner Mac McDowell voted for the waiver; the motion carried for denial of the waiver request.

Curt Anderson Waiver (continuation from the 12 January Board of Health)

Health Director Tim McDonald reminded the Board members that the January 12 Board had continued the Anderson waiver request until certain issues were resolved. He read into the record a letter from Wayne and Laura Hill, Curt Anderson's neighbors who had originally opposed his waiver request. (See attachment) The Andersons stated that " *if the county feels it is acceptable for his well to be where it is, then we will not stand in the way. We understand that his pollution control radius affects our property, but as it is in our 100-ft wetland setback we could not place our septic system there anyway.*" Mr. Higman then distributed copies of Administrative Approval with Conditions, Critical Areas, Permitted Use from the Island County Planning & Community Development. (See attachment) Commissioner Mac McDowell moved that the Mr. Curtis Anderson's waiver be approved. Mayor Patty Cohen seconded. The motion passed unanimously.

Contracts:

Department of Health-Consolidated Contract No. C-08679 Amendment 9

Commissioner Mac McDowell moved that Department of Health-Consolidated Contract, No: C08679 Amendment 9, Contract amount: \$967,433, Amendment Amount: \$-0- be approved. Captain Susan Herrold seconded. The motion passed and the Chair will sign on behalf of the Board.

Report from the Health Department: Tim McDonald introduced Dori Johnson to the Board. She made a presentation on the Island County WIC facts 2003. (See attachment)

- WIC food dollar contribution to local economy is \$933,294.
- WIC served 47.2% of all infants in Island County in 2003
- Total women and children served: 3,117
- Diverse Families
- Working Families
- Families living in poverty (percent of WIC households with income at or below the federal poverty level = 40%)
- Military families

Adjourn: There being no further business, Commissioner Mike Shelton adjourned the meeting at 2:30p.m. The next regularly scheduled Board of Health meeting will be June 21, 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 21st day June 2004.

ISLAND COUNTY BOARD OF HEALTH

William J. Byrd, Chairman