BUILDING PERMITS DISCUSSED

A discussion on determining restrictions on issuance of Building Permits was brought before the board. Present from the Department of Social and Health Services were Wilson Bow, Supervising Public Health Engineer, and Gail Livingston, Water Supply and Waste Unit. A question was asked of Livingston whether County Roads could be included within the 100 foot pollution zone radius. Livingston stated it was permissible to do this if these areas of roadway had recorded easements so that pollutants are not in the zone. A question was asked of Steven Jamieson, Attorney General's Office, as to who would be responsible for a pollutant such as poisenous spray running into this area of the roadway. Jamieson replied that whoever did the spraying could be held personally responsible for this. Livingston said the unimproved system which has been in effect for more than one year prior to October 1, 1972 will be considered, each one on its own merit, and will be permitted if the well was a public well. Frank Sullivan brought up the situation that is numerous on Whidbey, the well which has been in for less than a year, serves several lots, and has a road within the 100 foot pollution radius. Livingston said that as each one of these was considered, after the Commissioners had approved them, then the State Department would be happy. He stated that in order to dig a well, a person must make application to the Dept of Ecology and that this should be done well in advance, then apply for well-site approval from the Island County Health Dept. He agreed with Mecklenberg that well drillers in this county should not start drilling until after receiving a permit, and that this information should be part of the County Health Ordinance which is to be drafted in the near future. If the proper steps to well drilling are not complied with, a loss of Well Drillers License will result after July, 1973. The County Engineer asked if the 100 foot pollution radius which included county roadways would preclude sewer lines. Livingston said that bolted flange tight sewer lines can be run in these zones. The Engineer also asked if it would be prohibitive to construct a house within this radius. Livingston said that no new buildings with sewer lines would be allowed, but that existing sewer lines could be built with the bolted flange type sewer lines. Jamieson said if it could be proven that there would be no pollution whatsoever from a new home built within this zone, that the County Health Dept was obligated to approve it. Wilson Bow recommended that you try to keep sewer lines out of the area since there was the possibility of sewer lines breaking, and limit the buildings within the area to garages and buildings without sewer lines. Joe Beckley, Health Sanitarian, wished to know how stringent the State would be on cracking down on people whose water systems were still not in order after the six months period which was imposed by the County was over. Bow said the State Department of Health was not known to go out and check on these systems. He said that as they applied for water system approval, one of the steps was that when the system was built that the applicant send a letter certifying that the system was built according to the plans of the engineer. Commissioner Mecklenberg brought up the problem of iron and manganese in the water systems. Bow said there are several purveyors of equipment which will take iron and manganese out of the water. He said iron is such a problem on Whidbey Island that certainly they should have a certain length of time to bring them up to standard. He further stated there will be no new systems with these problems, they will just not exist. Adding plats to systems which already have these problems should not be allowed. As the discussion turned to adopting county regulations, Bow advised the county not to adopt local regulations to supercede State regulation. Commissioner Mecklenberg said they were going to try to concur with State regulations. Bow stated he thought it was the State's primary responsibility to handle the public water systems. He expressed approval at the cooperation which the County Health Department was giving the State in getting water samples and compiling the list of community well sites which the State now has. Bow did not feel that the county should draft a county ordinance at this time. He felt this might put the county in a position of moving ahead of the State in enforcing it. The County Engineer brought up the situation which exists where a plat is approved with a water system and then the plat may not be completely built up for 20 years. He said that perhaps by that time their water is pretty well used up and that if you force the developer to build a water system for the entire plat it will not be used until perhaps the halfway mark. Bow suggested one method of alleviating this was to bond for water and build in stages. Jamieson suggested the method of establishing a trust agreement whereby a trust agreement with the developers is set up which gives the State the ability to administer the funds for storage and water supply purposes. Wayne Chapman asked why the City of Oak Harbor was getting by with their present water sources. Bow said that the City Council had been given the green light to prepare the drawings and the contract to hook up with off island water supply by summer.

SEAVIEW, DIVISION NO. 3 DISCUSSED

The developer, Hubert Morgan, presented his plans for the water system for the Plat of Seaview, Division No. 3. The Plat was not approved by the Commissioners because the State Dept of Health did not approve the plans.

DISCUSSION COURTHOUSE ANNEX

Roy Evans, Assistant Civil Defense Director, came before the Board with the request that a 35KV generator be used in place of the 100KV generator which they presently have. He was instructed by the Board to see if he could obtain such a generator.

FINAL PLAT - MUTINY BAY RIVIERA

The Chairman opened the discussion relating to the approval of the Final Plat of Mutiny Bay Riviera at 3:00 PM. He announced that the discussion would terminate at 5:00 PM. Mr. Millard, Attorney representing the developer, presented the case for approval. He said all the Commissioners recommendations have been complied with. He said his client was prepared to offer a Declaration of License to ensure public access to the beach. When questioned, he said that the license is revocable. Commissioner Anderson said he thought this was an unusual method of providing access. Sydney Glover, Planner, said it was a license to trespass as long as the public behaves. Mr. Lyle E. Neeley, Attorney representing Mr. Milton Pulver, questioned the Court Order inasmuch as the Board had not authorized the Prosecuting Attorney, by resolution, to have the Court Order finalized. He stated he considered the Order void and attactable. He said the road under discussion had been there many, many years, had been maintained by the County and questioned why any other road should even be considered. Neeley said the License gives only restricted and limited access and suggested another public hearing should be conducted. Millard pointed out that nothing was being taken away because his client owns the property. Commissioner Anderson stated that he did not think the License was very good. Commissioner Mecklenberg stated that he thought the road was a public road. Ed Beeksma, Prosecuting Attorney, said that he couldn't keep quiet any longer and told Neeley that if he wanted to argue he should get his facts straight. Anderson said he did not believe that proper procedures were followed in obtaining the Court Order. Beeksma stated that it was immaterial, that the Court Order had been signed after he took office. Anderson agreed but pointed out that the Chairman also had questions. Neeley read RCW 36.01.010 and 36.01.020 and said he still believed the approval of the Court Order was a function of the County Legislative Body. Dave Strong, Deputy Prosecuting Attorney, said it was certainly a good policy to consult the Board but that you must draw a line in the requirement for detailed legal instructions. He said it was now time to get on with the plat. Milton Pulver pointed the restrictions inherent to the license. Millard said the restrictions will be reasonable. Don McKay, developer, said the type of thing to be restricted would be wild motorcycle parties. Millard asked the Board