

ORDINANCE NO. 109

AN ORDINANCE PROVIDING FOR THE ADOPTION BY REFERENCE OF THE CURRENT RULES AND REGULATIONS OF THE WASHINGTON STATE BOARD OF HEALTH FOR ON-SITE SEWAGE DISPOSAL SYSTEMS AS THE SAME MAY NOW EXIST OR HEREAFTER BE AMENDED, WITH CERTAIN ADDITIONS AND DELETIONS AND PROVIDING FOR VIOLATIONS THEREOF.

THE BOARD OF COUNTY COMMISSIONERS OF WALLA WALLA COUNTY, ACTING AS THE WALLA WALLA COUNTY BOARD OF HEALTH DOES HEREBY ORDAIN THAT:

This ordinance shall apply to all territory embraced within the limits of Walla Walla County.

That the Rules and Regulations of the Washington State Board of Health for On-Site Sewage Disposal Systems is hereby adopted by reference as the On-Site Sewage Disposal Systems resolution of the County of walla Walla, Together with amendments thereof and additions thereto as hereinafter set forth. All amendments and additions to the Rules and Regulations of the Washington State Board of Health with regards to on-site sewage disposal systems, when printed and filed with the County Auditor therefore shall become amendments and additions thereto.

Section 1.

All sections of the Washington State Administrative Code 248-96-020 through 248-96-180 shall be adopted except as follows:

WAC 248-96-040 APPLICABILITY

The provisions of this section shall be limited to the following:

- (a) These regulations shall not apply to new construction for which a permit was issued prior to the effective date of the regulation or to existing systems where extensions or alterations are undertaken as a result of failure of the system or portions thereof, or pursuant to an order of the health officer.

WAC 248-96-080 PERMIT

All items shall be included and Item H shall be added:

- (a) Item H. The fee shall be Ten Dollars (\$10.00) and shall accompany the application.

WAC 248-96-090 MINIMUM LOT SIZES

Method one (1) only shall apply to this resolution.

WAC 248-96-100 LOCATION

All items shall be included except that Item (4) shall read as follows:

- (a) No on-site disposal system shall be located within a 100 year flood plain as determined by the applicable local flood control agency.

WAC 248-96-110 DESIGN

All items shall be included except sub-sections 4 (b) and 7 which shall read as follows:

- 4(b) Material: septic tanks and dosing tanks shall be made of reinforced concrete and water tight. Other material may be used when approved by the health officer and is consistent with the intent of this resolution.

- (7) Construction on slopes in excess of 15% shall not be allowed. Drainfields shall not be closer than 20 feet to a slope which exceeds 15%.

Sub-sections 9 through 13 shall be added to the section regarding design as follows:

- (9) Surface absorption field construction details:

	Unit	Maximum	Minimum
Trenches, center to center-----	Feet		14
Number of lateral trenches-----			2
Length of trenches-----	Feet	100	
Width of trenches -----	Inches	24	18
Depth of lines (top)-----	Inches	30	14
Slope of lines-----	In/100 ft	6	2
Depth of coarse material:			
Under pipe-----	Inches		12
Over pipe-----	Inches		2
Size of coarse gravel-----	Inches	2½	½
Depth of backfill over coarse material-----	Inches	28	12

- (10) No sewage shall be drained from a basement unless the terrain is such that the drainfield can be located no more than thirty (30) inches below the ground level . Sewage pumps may be used for basement sewage only.

- (11) Design capacity of septic tank for individual dwelling units:

Dwelling units with three (3) bedrooms or less -----1000 gallons
Four (4) bedroom dwelling units-----1200 gallons

For all additional bedrooms, add 250 gallons.

- (12) There shall be an area equivalent to 100% of the initial drainfield area reserved for a replacement of a drainfield in case of failure. This area must meet all the requirements of the initial installation.

- (13) The sewer pipe from the building to the septic tank shall be four (4) inch cast iron. There shall be four (4) inch cast iron from the septic tank outlet to undisturbed earth (6 ft.). Other materials may be used if approved by the Western Uniform Plumbing Code and the health officer.

WAC 248-96-140 INSPECTION

- (a) The health officer may make inspections during construction to determine compliance with these regulations. No part of any installation shall be covered until approval has been obtained from the health officer. When a system is found to be in violation of this resolution, or constitutes a health hazard or if, in the health officer's opinion, it is likely to create a health hazard due to improper construction or location he shall have the authority to require the necessary alterations to insure proper operation and safety. If the violations are not corrected in the length of time specified by the health officer, the system may be condemned and its use prohibited. The health officer shall also have the authority to require any septic tank, drainfield or seepage pit opened or uncovered which has been covered before an inspection was made.

It shall be the responsibility of the contractor or builder to notify the Health Department when a sewage system is ready for inspection.

WAC 248-96-160 WAIVER OF REGULATIONS

- (a) A variance of this resolution shall require approval of the health officer and the Walla Walla County Board of Health and said waiver shall be consistent with the intent of these regulations and that no public health hazard will result.

WAC 248-06-175 SEWAGE CONTRACTOR'S LICENSE

Firms, corporations, or individuals engaged in the business of installing or repairing on-site sewage disposal systems shall obtain a permit issued by the Walla Walla County-City Health Department. This permit is renewable annually and may be revoked for noncompliance of these regulations.

The fee shall be \$60.00 dollars for the original license and \$35.00 for annual renewals.

A written and/or oral examination may be required for issuance of the permit.

Section 2.

Violations: Anyone violating or failing to comply with the provisions of this resolution shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than Two Hundred and Fifty Dollars (\$250.00) or to imprisonment of not more than ninety (90) days in the County jail. Each day a violation of this ordinance continues shall be considered a separate offense.

Section 3.

Repealing certain ordinances: That Ordinance No. 93 as amended and all other ordinances that conflict with this ordinance are hereby repealed.

Section 4.

Should any part of this ordinance be declared unconstitutional or invalid for any reason, such declaration shall not affect the validity of the remainder thereof.

Section 5.

This ordinance shall be in full force and affect upon its passage and publication as required by law, except that two compartment septic tanks will not be required until July 1, 1975.

Dated at Walla Walla, Washington this 25th day of March, 1975.

Attest: Theodore S. Bjerke
County Auditor and ex officio Clerk of the Board



James A. Steenbolter
Chairman

Eugene V. Kelly
Commissioner

Franklin F. Gline
Commissioner

Constituting the Board of County Commissioners
of Walla Walla County, Washington and
acting as the County Board of Health.

FILED FOR RECORD March 25, 1975 AT 9:19 A M

BY County Commissioners
THEODORE S. BJERKE, Walla Walla County Auditor

PAID
IN FULL
LITLED FOR RECORD

VOL. 1 278

AMENDMENT TO COUNTY ORDINANCE NO. 109

AMENDMENT NO. 1

WHEREAS, WAC 248-96-080 requires the issuance of a permit by the Health Officer prior to the installation or major alteration on any on-site sewage disposal system,

WHEREAS, the time and cost requirements for enforcement of the sewage program have increased significantly,

WHEREAS, the Walla Walla County Health Officer has recommended the adoption of a permit fee increase,

THEREFORE, the Walla Walla County Board of Health does ordain that item "h" under the sub-section entitled "Permit" under section 1 be amended to read as follows:

"The fee shall be Twenty-five dollars (\$25.00) and shall accompany the application."

Effective date shall be January 1, 1979.

Dated at Walla Walla, Washington, this 12 day of Sept., 1978.

ATTEST:

Deputy

Colleen Gardner
County Auditor and Ex-Officio Clerk of the Board

Harmon T. Johnson
Chairman

Wesley V. Kelly
Commissioner

Franklin F. Cline
Commissioner

Constituting the Board of County Commissioners of Walla Walla County, Washington and acting as the County Board of Health

FILED FOR RECORD
IN WALLA WALLA CO. WASH.
BY Auditor

SEP 12 10 05 AM '78

C. LYNN SMITH
AUDITOR

Proof of Publication

NOTICE OF HEARING
NOTICE IS HEREBY GIVEN that the Board of County Commissioners will hold a public hearing at 9:00 a.m. Tuesday, September 12, 1978 in the office of the Board at the County Courthouse in Walla Walla on the following proposed Ordinance Amendment:

Amendment No. 1

County Ordinance No. 109

WHEREAS, WAC 248-96-080 requires the issuance of a permit by the Health Officer prior to the installation or major alteration on any on-site sewage disposal system,

WHEREAS, the time and cost requirements for enforcement of the sewage program have increased significantly,

WHEREAS, the Walla Walla County Health Officer has recommended the adoption of a permit fee increase,

THEREFORE, the Walla Walla County Board of Health does ordain that item "h" under the sub-section entitled "Permit" under section 1 be amended to read as follows:

"The fee shall be Twenty-five dollars (\$25.00) and shall accompany the application"

Dated at Walla Walla, Washington August 15, 1978

C. Lynn Smith

Clerk of the Board

of County Commissioners

The Times

August 24, 1978

Case No. _____

STATE OF WASHINGTON,
County of Walla Walla

} ss.

Thomas C. Baker, being first duly sworn on oath,

deposes and says: That he is the Publisher of The Times, a weekly newspaper which has been established, published in the English language, and circulated continuously as a weekly newspaper in the City of Waitsburg, and in said County and State, and of general circulation in said County for more than six (6) months prior to the date of the first publication of the Notice hereto attached.

That said newspaper is the official newspaper of the City of Waitsburg and of the County of Walla Walla.

That The Times was on the 14th day of June, 1955, approved as a legal newspaper by the Superior Court of said Walla Walla County and that the annexed is a true copy of a

Notice of Hearing

as it appeared in the regular and entire issue of said newspaper itself and not in a supplement thereof for a period one consecutive weeks, Commencing on the 24 day of August, 19 78 and ending on the _____ day of _____, 19 _____ and that said newspaper was regularly distributed to its subscribers during all of this period.

That the full amount of \$ 11.76 has been paid in full, at the rate of \$1.96 per column inch.

Anita B. Baker Publisher

Subscribed and sworn to before me this

24th day of August, 19 78

Beattie L. Chase

Notary Public in and for the State of Washington,
Residing at Waitsburg, Washington 99361

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Board of County Commissioners will hold a public hearing at 9:00 A.M., Tuesday, September 12, 1978 in the office of the Board at the County Courthouse in Walla Walla on the following proposed Ordinance Amendment:

Amendment No. 1
County Ordinance No. 109

WHEREAS, WAC 248-96-080 requires the issuance of a permit by the Health Officer prior to the installation or major alteration on any on-site sewage disposal system,

WHEREAS, the time and cost requirements for enforcement of the sewage program have increased significantly,

WHEREAS, the Walla Walla County Health Officer has recommended the adoption of a permit fee increase,

THEREFORE, the Walla Walla County Board of Health does ordain that item "h" under the sub-section entitled "Permit" under section 1 be amended to read as follows:

"The fee shall be Twenty-five dollars (\$25.00) and shall accompany the application"

Dated at Walla Walla, Washington August 15, 1978

C. Lynn Smith

Clerk of the Board of County Commissioners

The Times

Publish August 24, 1978

more demands on the septic system than any group of homes presently located in Waltrons Acres.

At the last meeting it was stated that the pool would only have to be drained every 5 years. I would like to raise the question to the Commission as to what would happen if the pool for any reason, would have to be drained. Where would that quantity of water go considering that pool will be located on the same lot with our community well.

Also, since the pool sits within a few feet of my back yard, I consider it a public nuisance.

Agnes L. Payne McKee ~~Chatt~~
Charlotte

May 8-1977

Yes,

County Commissioners
Dalla Walla, Wash.

When my husband and I moved to
the area of Westbourne Acres, we did
go with the knowledge that there were
no business in the area to attract
tourism or bring in a number of
wanted ~~businesses~~ businesses.

We do not want businesses in the
neighborhood, and most definitely we
do not ^{want} started in the middle of
our community.

I am sure that Mr. M. Hicks, with
very little effort could find an area
that would welcome his business with
open arms, ~~not~~ that would be
much more beneficial to him and his
business, his business is not welcome
in this community.

I would like this statement to
be used for public record in
opposition of the request made
by Milton J. Hicks.

Rayna A. Grudahl

2831 Westbourne Loop

~~Mr. Weston~~! members of
the Commission!

I would like to thank you
for the opportunity to express
my views on the proposal of
Mr. M. S. Hicks.

My family and I moved
here from Meridian, Delaware
where we had our home
across ~~the~~ the Road from

First Albemarle Chicken Farm
The State laws forbid them
to have a Wholesale & Retail
Business simultaneously.

At that time Simpson took
it over and put in

After about a period of one
year; We Received a letter
on changing it from Agricultural
to Commercial. We were to
have a meeting of surrounding
families in this at the School
Building with the zoning Commission

When the meeting started
the statement was made that
Mr. J. R. Simplot Requested
regarding from Agricultural
to Commercial - His Request
was Granted; We had nothing
to say about this;

Subsequently our Property
Value dropped almost in

Mr. Singlet there established
Valley Storage & Rented some
of the buildings to ~~some~~ ~~some~~ ~~some~~
Thereafter Ada Sand & Gravel
opened a Retail gravel Pit beside
Singlet,

Centlman gave you even
dined 500 ft from a gravel
Pit,

We purchased our home on
Northome Loop with the understanding
that it was a farm - Residential
subdivision;

We do not feel that a
subdivision with this zoning is
the place to put a semi

Gentlemen can Mr. M. S. Rick
guarantee me that my Property
Value will not drop or stagnate
as they depend to us in
the Port.

Gentlemen I hope that
you will consider this as if
you were in our place

I would like this statement
to be entered for the purpose
of Public Record in opposition
of the Request made by
Mr. Milton S. (see) Rick

Thank You

Mr. Chairman

Members of the Commission

I am concerned about the precedent it may very well set if Mr. Hick's receives approval for his semi-public/commercial pool. Westbourne residents, purchasing homes in a Farm Residential-zoned area, were not aware of the fact that such a business as Mr. Hicks' is proposing could be located in the middle of our homes already developed. Who is to say what business will next be proposed and maybe approved. Mr. Hicks' is proposing a business that requires two acres. His property does not contain the required two acres where he proposes to build this business endeavor. He is asking that an exception to the rules be made. If you approve and pass his request and make this exception, what is to stop others from requesting additional exceptions to be approved, and rightfully so, if you approve this first one. Before long, we will not have a residential area, we will have other semi-public/commercial businesses surrounding and imposed upon our "country living" development. Isn't an area zoned and covenances written to protect and insure the homeowners purchasing a home in a development that such endeavors of business can not be conducted among residential homes? Particularly if exceptions must be made to qualify a business for that specific zoning? What good are zoning laws and covenances if someone can have exceptions made which will set a precedent for others requesting similar items which are not in harmony with the way the area was originally intended and stated in covenances that was given to individuals at the time of purchasing their homes in this development. I question why other semi-public/commercial businesses or commercial zoned businesses will not be established within our residential area once the precedent is set.

Thank you for considering my opposition.

Sharon Weyand
3279 Hanson Loop Rt 6
Pasco, Washington

To
County Commissioners
Walla Walla County

May 8-1979

I would like to state My opinion on
M.R. M.L. Hicks request for a VARIANCE
AND Conditional USE permit for a Semi/
COMMERCIAL BUSINESS.

Item #1 PAR #1

It HAS NOT BEEN 10 YEARS, AND
the majority has not AGREED to ANY
CHANGE.

Item #2 PAR #10

It would offend and distract IN
that it would CAUSE the RESIDENCE
to FEEL Hurt and ANGRY and it would
Distract from the BEAUTY of the
NEIGHBORHOOD AND be OFFENSIVE to the
EYE.

A Semi/COMMERCIAL BUSINESS in the
AREA IS NOT for MR. M.L. Hicks ENJOYMENT AS
PER SAY But for the ENJOYMENT of his
STUDENTS - PATIENTS OR ECT.

A VARIANCE AND Conditional USE Permit
REQUEST is in total DISREQUARD for the
NEIGHBORHOOD IN that it is opening the
DOOR for OTHER SEMI/COMMERCIAL
BUSINESSES.

I also state that this VENTURE
is based on profit AT the EXPENCE of
his neighbors.

OVER >

MAY 8, 1979

MEMBERS OF THE WALLA WALLA BOARD OF COUNTY COMMISSIONERS;

THERE ARE TWO TOPICS I WOULD LIKE TO RAISE IN REGARDS TO MR. HICKS REQUEST.

ON MAY 2, 1979, A GROUP OF NEIGHBORS AND MYSELF ATTENDED A MEETING OF THE WALLA WALLA COUNTY PLANNING COMMISSION, FOR A REQUEST OF VARIANCE AND CONDITIONAL USE PERMIT BY MILTON L. HICKS FOR A SEMI-PUBLIC/COMMERCIAL POOL.

AT THE BEGINNING OF THE MEETING, MR. HICKS SAID THERE WOULD BE FROM 4 TO 6 PEOPLE USING THE POOL FACILITIES AT A TIME. BEFORE THE MEETING WAS OVER, MR. RANTA, SUPERINTENDENT OF BURBANK SCHOOLS, THOUGHT IT WOULD BE A GREAT IDEA! HE SAID THEY COULD BRING CHILDREN IN BY SCHOOL BUS TO USE THE FACILITIES, SO THEY WOULDN'T HAVE TO GO TO RICHLAND.

I HAVE SEVERAL QUESTIONS RUNNING THRU MY MIND.

1. HOW MUCH SUPERVISION WILL THERE BE FOR A PROJECT SUCH AS THIS? WILL IT BE ADEQUATE?

2. IF THE POOL FACILITIES ARE ONLY LARGE ENOUGH FOR 4 TO 6 PEOPLE AT A TIME, WHAT ARE THE OTHER CHILDREN GOING TO BE DOING, WHILE THEY ARE WAITING TO USE THE FACILITIES?

GENTLEMEN, I'M NOT TRYING TO BEGRET OUR CHILDREN SWIMMING PRIVILEGES, BUT I DO FEEL THERE WOULD BE MANY MORE

APPROPRIATE PLACES IN THE BURBANK AREA FOR A SWIMMING FACILITY, SUCH AS DOWNTOWN BURBANK, ON COMMERCIAL PROPERTY WHERE IT WOULD BE IN ITS RESPECTIVE PLACE. THE ZONING IN WESTBOURNE ACRES IS FARM-RESIDENTIAL. THERE ARE HORSES AND LARGE ANIMALS IN THE AREA. EVERYONE KNOWS HOW CHILDREN ARE ATTRACTED TO ANIMALS SUCH AS THESE, AND THERE COULD BE AN ACCIDENT, BECAUSE OF THE ZONING.

FROM WHAT I KNOW, THIS IS TO BE MR. HICK'S BUSINESS AND LIVELYHOOD. I FAIL TO SEE HOW HE CAN KEEP A FACILITY SUCH AS THIS ON A SMALL SCALE BASIS AND PAY FOR THE FACILITY AND A NEW HOME ON THE PREMISE.

I SUBMIT TO YOU THAT THIS PROJECT OF MR. HICKS, WILL BE MUCH LARGER AND MUCH MORE COMMERCIAL THAN WHAT HE SAYS IT WILL BE, IF HE RECEIVES HIS REQUEST.

MY NEXT CONCERN IS IN REGARDS TO DOCKET # C-BOA-79-13- WHERE MILTON L. HICKS, REQUEST FOR VARIANCE, UNDER FINDING FACTS: ITEM #4. IT STATES THE VARIANCE, IF APPROVED, WILL BE IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ZONING RESOLUTION AND COMPREHENSIVE PLAN.

3
GENTLEMEN, OUR ZONING BEING FARM-RESIDENTIAL IS THE MAIN REASON FOR THE MAJORITY OF THE FAMILIES MOVING TO WESTBOURNE ACRES. IF WE WANTED TO BE NEAR COMMERCIAL FACILITIES, FOR CONVENIENCE SAKE, WE WOULD PROBABLY BE LIVING IN THE TRI-CITIES.

SOME OF US ARE DRIVING 20 OR 30 MILES A DAY, WHICH WE DO FEEL IS QUITE INCONVENIENT. BUT WHY DO WE DO IT? WE DO IT BECAUSE WE VALUE OUR PRIVACY. WE DON'T WANT FOOT TRAFFIC IN OUR AREA, STRANGERS KNOCKING AT OUR DOORS, WANTING TO KNOW WHERE THE SEMI-PUBLIC/COMMERCIAL POOL IS LOCATED.

GENTLEMEN, MY WIFE AND MYSELF HAVE WORKED VERY LONG AND VERY HARD TO OBTAIN OUR "DREAM HOME", WITH THE CONDITIONS OF BUYING IT, "BRING", THAT WE COULD BE IN QUIET SURROUNDINGS, PEACEFUL SETTINGS, AND HAVE CLOSE FRIENDS AND NEIGHBORS IN THE AREA.

GENTLEMEN, I SUBMIT TO YOU THAT BY ALLOWING MR. HICKS REQUEST, MY PERSONAL RIGHTS ARE BEING INFRINGED UPON.

HAVE YOU EVER LOOKED UP THE DEFINITION OF HARMONY IN WEBSTER'S DICTIONARY? HARMONY, ACCORDING TO WEBSTER'S, IS A PLEASING ARRANGEMENT OF PARTS.

I fail to see how our FARM-RESIDENTIAL zoning is pleasing with Mr. Hicks Semi-public / commercial pool. It might be convenient for Mr. Hicks to have his business and house on the same property, but certainly not harmonious to our environment in Westbourne Acres.

Did you know we have protective COVENANCE in Westbourne Acres? Let me read a couple of them to you. Item #5 NUCIANSES: No noxious or offensive activity shall be performed upon any lot, or shall anything be done thereon which may become an annoyance or nuisance to the neighborhood. Item #10 USE Restrictions: The owners shall use their respective properties to their enjoyment in such a manner so as not to offend or detract from other owners enjoyment of their own respective properties. Mr. Hicks knaw of these conditions upon purchasing the property and is now trying to get them changed to suite his own needs.

HAVE ANY of the members of this board ever been to Westbourne Acres? We have a quiet peaceful community. The game reserve borders our properties, you can walk to the river from there. At present, we have a very clean, quiet, orderly neighborhood, with farm-residential

5
ZONING, AND EVERYONE IN THE neighborhood
is VERY happy with the conditions AS
they exist AT the PRESENT time.

I HOPE this BOARD SEES fit to KEEP
OUR neighborhood the way it is now,
AND PLEASE, try to put yourselves IN
OUR PLACES WHEN it COMES time to
VOTE ON this issue.

I would like to PRESENT these
WRITTEN STATEMENTS BEFORE the BOARD
AND HAVE IT ENTERED ON public RECORD.

Sincerely yours,

Lynnda & Ron Irons
2848 Westbourne Loop
Pasco, Wash. 99301

Ord # 109

January 20, 1980
201 Newell Ave.
Walla Walla, WA 99301

Walla Walla County Commissioners
Courthouse
Walla Walla, WA 99362

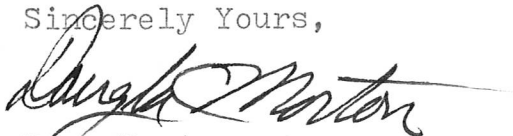
Dear Gentlemen,

Enclosed is a letter from Dr. Robert Carson, Assistant Professor of Geology at Whitman College concerning the report written by Mr. Randy Brown concerning the geology of the Burbank area and the request for Arlenes Addition for a variance.

At your hearing on December 3, 1979 I attempted to read the letter into the record. At that time I was allowed to read only part of the analysis by Dr. Carson. I was however asked by Mr. Kelly to submit Dr. Carson's report to you.

I have had the report typed so that you can read it more easily. I feel that the information contained casts a great deal of doubt on the accuracy of the statements you relied upon to justify your decision to tentatively authorize a variance to the septic tank ordinance. I understand that you have not yet taken final action on the variance request.

Sincerely Yours,


Doug Morton

cc: County Health Dept.
County Planning Dept.
County Auditor

January 24, 1980

WALLA WALLA COUNTY BOARD OF HEALTH
WALLA WALLA COUNTY
Walla Walla, Washington 99362

0-2-109
#109

RE: Request for Variance from Amendment to Ordinance #109 to the Walla Walla County Board of Health:

Following are facts pertinent to granting a Variance allowing septic tanks on Lots 1 and 9 of Block 1 and on Lots 8, 9, 10, 11, and 12 of Block 3 WESTBOURNE ACRES SUBDIVISION.

Westbourne Acres Subdivision is 2 to 3 miles from the problem high nitrate area. The Westbourne water table is 70 feet below the surface.

Westbourne includes 36 lots on 45 acres. There are eleven other homes on about 560 acres surrounding Westbourne Acres. Including 36 in Westbourne, a total of 47 septic tanks on 600 acres equals over 12 acres per septic tank. Four remaining lots are 1 acre each. Three are 1.5, 1.5, and 2.3 acres.

Westbourne is served by two wells in different aquifers. The 325 foot well in the aquifer below layers of basalt showed a 0.1 N mg/ml according to U.S. Testing Company from a sample taken after extensive pumping during testing of the well. Public Health Services found less than detectible (<.2 mg/l) NO₃ as N in a sample collected 6-27-79. That well is presently used as the primary supply because users prefer the soft water. The 100 foot well will be used more during irrigation season along with the 325 foot well, resulting in more mixing with the approximately 5 ppm nitrates in the 100 ft. well.

The above provides a basis for determining that Westbourne acres has negligible potential for endangering either its own water supply of the aquifer in the area from a health standpoint.

After the first moratorium on septic tank permits, at a meeting of the Commissioners, County Health Officer, County Attorney, Planner, myself and others, I was assured that septic tank permits would be issued for Westbourne Acres since the plat was complete. Thus I did not urge my builders to apply for permits until needed. Now 7 lots remain with roads completed per County specifications and a water system designed to be economically feasible for 36 lots, some of which will not be useable if 5 acres are required for a septic tank.

Covenants have been prepared to require future owners of the seven lots to connect to a sewer system when such system is available and required by governmental agencies. The original covenants provide for 10 foot easements for utilities along the border of all lots.

Respectfully,

H.G. Hicks

H.G. HICKS

2611 So. Fruitland
Kennewick, Wa. 99336

BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON

In the matter of Final
Approval Variance of
Ordinance No. 109-West-
bourne Acres Subdivision

Ord. # 109
RESOLUTION NO. 80 061

BE IT RESOLVED that the Variance to Ordinance No. 109 be
granted to Westbourne Acres Subdivision, Lots 1 & 9, Block 1, Lots 8,9,
10,11,12, Block 2.

(Copy attached for Official Record)

Done this 4th day of February, 19 80

Approved: [Signature]
County Health Officer

Attest: [Signature]
County Auditor and ex officio Clerk of the Board.

[Signature] Chairman
[Signature] Commissioner
[Signature] Commissioner

Constituting the Board of County Commissioners
of Walla Walla County, Washington.

Freise, Lohrmann & Makus

Lawyers



(3)
(2)

Eggert

200 Jones Building
Post Office Box 946
Walla Walla
Washington 99362
(509) 529-0630

Herbert H. Freise
John W. Lohrmann
Jerry M. Makus

October 10, 1979

Board of County Commissioners
Walla Walla County Courthouse
Walla Walla, WA 99362

RE. PROTEST OF PAYMENT OF 1979 PROPERTY TAXES
PROTEST CONCERNING AMENDED ORDINANCE #109

Dear Members of the County Board of Commissioners,

Mrs. Agnes Brickey is a client of our firm, and she has asked us to address this letter to you on her behalf. The heart of her concern centers around your issuance of an amendment to ordinance #109, requiring a minimum of five acres for the issuance of a septic permit on several lots which she owns in the Sun Harbor area. Mrs. Brickey, and her husband, Lee J. Brickey, Sr., recently deceased, purchased various properties in the area many years ago for investment purposes. The effect of your amended resolution is to render as virtually unsaleable her holdings in Sun Harbor Estates.

During the last week of September, as part of our efforts to settle the estate of Lee Brickey, Sr., we made payments on behalf of Mrs. Brickey for property taxes that were due on her lots. She has asked us to approach you with a protest of that payment, in light of your action concerning Resolution 109. I trust that this letter on her behalf will suffice to bring that protest to your attention.

As I am sure you are aware, there are many people who were similarly affected by your passage of the amendment to Ordinance 109, and in various ways they are taking steps to approach you with requests for relief. Although Mrs. Brickey will cooperate with these people in their endeavors, she has also asked us to approach you individually and request that you reconsider the Ordinance, and take whatever steps are necessary to rescind it.

In 1962, the area in which Mrs. Brickey's lots lie was approved as a subdivision, and platted for such development.

Board of Commissioners
Page 2

In the event that you are not willing to take as broad a measure as rescinding the entire Ordinance, she would request that you provide an exemption for the area which was approved for development as a subdivision. The anticipation on the part of the Brickey's that the approved subdivision would provide them with a market for their investment in the lots was a major concern to them. A move on your part to provide an exemption for the platted subdivision area would not run against the policy behind your passage of the amendment to Ordinance 109, and would certainly provide fair relief to Mrs. Brickey and other persons similarly situated. Should you be willing to pursue this matter further, please get in touch with me and I would be most willing to address your Board, either by letter or by appearance before you at one of your meetings with more details concerning such an exemption.

Looking forward to your cooperation in this matter and providing relief to Mrs. Brickey, I remain

Very truly yours,
FREISE, LOHRMANN & MAKUS



John P. Junke
Legal Intern

JPJ/dkv

cc: Mrs. Agnes Brickey

BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON

In the matter of Final
Declaration of Non Significance
Burbank/Wallula vicinity

RESOLUTION NO. 79 276

BE IT RESOLVED by the Board that an Amendment to Ordinance #109, requiring a minimum lot size of 5 acres for the installation of septic tanks in Burbank/Wallula vicinity (as per attached legal description) , and

BE IT FURTHER RESOLVED that this proposal has been determined to not have significant adverse impact upon the environment. An EIS is not required under RCW re.21C.030(2)(c). This decision was made after review by the lead agency of a completed environmental checklist and other information on file with the lead agency.

Cline and Kelly voted Yes. Johnson voted No.

Done this 10th day of July, 19 79

Attest: Chapman Smith
County Auditor and ex officio Clerk of the Board.

Franklin T. Cline Chairman
Eugene W. Kelly Commissioner
Harmon T. Johnson Commissioner

Constituting the Board of County Commissioners
of Walla Walla County, Washington.

BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON

In the matter of a
moratorium on septic
tank permits in the
critical water supply
service area of Western
Walla Walla County

RESOLUTION NO. 79 227

WHEREAS, the Walla Walla County Commissioners have set a hearing date to amend Ordinance No. 109 to set the minimum lot size of 5 acres for a septic tank,

BE IT RESOLVED that the Board of Health of Walla Walla County declare a moratorium effective May 29, 1979 on the issuance of septic tank permits in the critical water supply service area of Western Walla Walla County, until such time as final action is taken on amendment to Ordinance No. 109, hearing to be June 19th. 1979.

Done this 29th day of May, 1979

Attest:

Chynn Smith
County Auditor and ex officio Clerk of the Board.

Franklin F. Chie
Chairman
Eugene V. Kelly
Commissioner
Harmon A. Johnson
Commissioner

Constituting the Board of County Commissioners
of Walla Walla County, Washington.

BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF FUTURE STUDY
OF GROUND WATER CONTAMINATION
IN WESTERN WALLA WALLA COUNTY

RESOLUTION NO.

79 277

WHEREAS, the Health Officer has recommended to the County Board of Health that further installation of septic tanks in Western Walla Walla County constitutes a potential health hazard, and

WHEREAS, the Board of County Commissioners have passed an amendment to Ordinance No. 109 limiting the future installation of septic tanks to lots of 5 acres or greater, and

WHEREAS, at a public hearing held on June 19, 1979, the Washington State Department of Social and Health Services and the Washington State Department of Ecology have recommended that, in addition to immediate limitations on new sources of contaminates, that additional study and investigation is necessary to quantify the problem and identify the most practical solutions, and

WHEREAS, this area of Western Walla Walla County has been designated a Critical Water Service Supply Area pursuant to the provisions of the Revised Code of Washington, Section 70.116, and have initiated a planning process to cope with water quality problems as well as problems of coordination between systems, therefore

BE IT RESOLVED, that the Board of County Commissioners of Walla Walla County will take the following action to insure that additional investigation of the problem of ground water contamination continues:

1. The County of Walla Walla, through the County Health Department, and with the cooperation of the Department of Social and Health Services will continue a program of regular monitoring of existing wells to establish a data base for evaluating the problem of ground water contamination over a longer time period.
2. The County of Walla Walla will apply for water supply funding from the Department of Social and Health Services to include a study of water quality problems to properly quantify the problem and identify the most practical

BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF FUTURE STUDY
OF GROUND WATER CONTAMINATION
IN WESTERN WALLA WALLA COUNTY
(PAGE 2)

RESOLUTION NO.

2. (continued)

solutions, as part of the Regional Water Plan being prepared for the area designated as a Critical Water Service Supply Area under the Public Water System Coordination Act.

3. The County of Walla Walla will make immediate application to the Washington State Department of Ecology, the Environmental Protection Agency, and the U.S. Geologic Service for technical and financial assistance to conduct a comprehensive ground water impact study of the area.

Done this 16 day of July, 1979

Attest:

Chym Smith
County Auditor and ex officio Clerk of the Board.

Franklin L. Gline
Chairman

Eugene V. Kelly
Commissioner

Ed Johnson
Commissioner

Constituting the Board of County Commissioners
of Walla Walla County, Washington.

8107499

FILED FOR RECORD
IN WALLA WALLA CO. WASH.
BY *C. Auditor*

OCT 6 10 57 AM '81

C. LYNN SMITH
AUDITOR

ORDINANCE NO. 109
AMENDMENT NO. 3

AN ORDINANCE AMENDING ORDINANCE NO. 109, SECTION 1 TO INCREASE PERMIT FEES.

THE BOARD OF COUNTY COMMISSIONERS ACTING AS THE WALLA WALLA COUNTY BOARD OF HEALTH DOES HEREBY ORDAIN THAT:

SECTION I

That portion of Section 1 of Ordinance No. 109, as amended by Amendment 1 to County Ordinance No. 109, now providing as follows:

"WAC 248-96-080 PERMIT

All items shall be included and Item H shall be added;

- (a) Item H. The fee shall be Twenty Five Dollars and shall accompany the application."

is hereby amended to provide as follows:

"WAC 248-96-080 PERMIT

All items shall be included and Item H shall be added:

- (a) Item H. The fee shall be Fifty Dollars and shall accompany the application."

PASSED by the Board of Walla Walla County Commissioners this 6 day of October, 1981.



Harmon I. Johnson
Chairman
Franklin F. Gline
Commissioner
Walter C. Coyle
Commissioner

ATTEST:

C. Lynn Smith
Clerk of Board

8107499

ORDINANCE NO. 109

AMENDMENT NO. 3

AN ORDINANCE AMENDING ORDINANCE NO. 109, SECTION 1 TO INCREASE PERMIT FEES.

THE BOARD OF COUNTY COMMISSIONERS ACTING AS THE WALLA WALLA COUNTY BOARD OF HEALTH DOES HEREBY ORDAIN THAT:

SECTION I

That portion of Section 1 of Ordinance No. 109, as amended by Amendment 1 to County Ordinance No. 109, now providing as follows:

"WAC 248-96-080 PERMIT

All items shall be included and Item H shall be added:

- (a) Item H. The fee shall be Twenty Five Dollars and shall accompany the application."

is hereby amended to provide as follows:

"WAC 248-96-080 PERMIT

All items shall be included and Item H shall be added:

- (a) Item H. The fee shall be Fifty Dollars and shall accompany the application."

PASSED by the Board of Walla Walla County Commissioners this 6 day of October, 1981.

Harmon J. Johnson
Chairman

Franklin F. Blaine
Commissioner

Walter C. Coyle
Commissioner

ATTEST:

C. Lynn Smith
Clerk of Board

BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON

7906490

OCT 19 1964
An Amendment to
Minimum Lot Size Section of Walla
Walla County Ordinance No. 109

AMENDMENT to County Ordinance No. 109

WHEREAS, Water samples taken by the Walla Walla County-City Health Department from public water supplies located in Western Walla Walla County have shown some high nitrate levels in the shallow aquifer with some tests showing nitrate drinking water concentration above the maximum federal and state limits of the (10) parts per million as nitrogen; and

WHEREAS, Officials from state and federal agencies responsible for programs and enforcement of the Federal Clean Drinking Water Act have expressed concern regarding the high nitrate concentrations in public water supplies in Western Walla Walla County; and

WHEREAS, Drinking water containing high nitrate levels may cause methemoglobinemia in infants below six months of age and thus may constitute a health hazard; and

WHEREAS, The experience of the Walla Walla County-City Health Department, together with studies conducted in Walla Walla County and elsewhere in Washington State have shown a strong relationship between increased urbanization and high nitrates, particularly when septic tanks and drainfields are used in certain soil types such as those found in Western Walla Walla County; and

WHEREAS, The Board of County Commissioners has designated Western Walla Walla County as a Critical Water Supply Service Area whose shallow aquifer should be protected from further degradation; and

WHEREAS, The Board of County Commissioners acting as the Board of Health recognize that the continued development of the area under the present septic tank standards will only compound the nitrate problem; and

WHEREAS, the Board of County Commissioners acting as the Board of Health have studied all available information and held a public hearing and listened to experts on both sides of the issue; and

WHEREAS, Even though the Board of County Commissioners recognize that there are other sources of nitrates such as agricultural chemicals and urban run-off, they can only directly control nitrate contributions to the unconfined aquifer by their ordinance powers to regulate septic tank densities as the Board of Health

BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON

An Amendment to
Minimum Lot Size Section of Walla
Walla County Ordinance No. 109
(Page Two)

AMENDMENT to County Ordinance No. 109

WHEREAS, The Board of County Commissioners has listened to expert testimony, studied all available information and technical reports, have determined that a minimum parcel size of five acres in the Critical Water Supply Service Area as the minimum septic tank density necessary to avoid dangerous nitrate concentrations.

THEREFORE be it resolved that the Walla Walla County Board of Health does ordain that a new item shall be added under the section labeled minimum lot sizes and shall read as follows:

The minimum lot or parcel size required for the issuance of a septic tank permit in the area of Walla Walla County described below shall be five (5) acres. This shall not apply for the issuance of permits for replacement of on-site sewage disposal systems:

Beginning at a point at the mouth of the Snake River where the centerline of the Snake and Columbia Rivers intersect, thence up the main channel of said Snake River along the common boundary between Franklin County and Walla Walla County to the point where said centerline of the Snake River intersects with the Township line which forms the boundary between Township 9 North and Township 10 North, thence eastward along said line between Township 9 North and Township 10 North to where said Township line intersects the range line which forms the boundary between Range 32 East of the Willamette Meridian and Range 33 East of the Willamette Meridian, said point being the Northeast corner of Township 9 North Range 32 East of the Willamette Meridian, thence South on said Range line to the Southeast corner of said Township 9 North, Range 32 East of the Willamette Meridian, thence West along the Township line forming the common boundary between Township 9 North and Township 8 North to the Southwest corner of said Township 9 North, Range 32 East of the Willamette Meridian, thence South along the Range line which forms the common boundary between Range 32 EWM and Range 31 EWM thence to the Southeast corner of Township 7 North, Range 31 EWM, thence west along the Township line which forms the common boundary between Township 7 North and Township 6 North to the intersection of said Township line with the centerline of the Columbia River, thence up the main channel of the Columbia River along the common boundary between Benton County and Walla Walla County to the point of beginning. (As shown on attached Exhibit "A".)

Kelly and Cline voted Yes. Johnson voted No.

Done this 10th day of July, 1977

Attest: C. Lynn Smith
County Auditor and ex officio Clerk of the Board.

Franklin F. Cline
Chairman

Ernest V. Kelly
Commissioner

Harmon Johnson
Commissioner

Constituting the Board of County Commissioners
of Walla Walla County, Washington.



BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON

7906490

0679062
7906490
An Amendment to
Minimum Lot Size Section of Walla
Walla County Ordinance No. 109

AMENDMENT to County Ordinance No. 109

WHEREAS, Water samples taken by the Walla Walla County-City Health Department from public water supplies located in Western Walla Walla County have shown some high nitrate levels in the shallow aquifer with some tests showing nitrate drinking water concentration above the maximum federal and state limits of the (10) parts per million as nitrogen; and

WHEREAS, Officials from state and federal agencies responsible for programs and enforcement of the Federal Clean Drinking Water Act have expressed concern regarding the high nitrate concentrations in public water supplies in Western Walla Walla County; and

WHEREAS, Drinking water containing high nitrate levels may cause methemoglobinemia in infants below six months of age and thus may constitute a health hazard; and

WHEREAS, The experience of the Walla Walla County-City Health Department, together with studies conducted in Walla Walla County and elsewhere in Washington State have shown a strong relationship between increased urbanization and high nitrates, particularly when septic tanks and drainfields are used in certain soil types such as those found in Western Walla Walla County; and

WHEREAS, The Board of County Commissioners has designated Western Walla Walla County as a Critical Water Supply Service Area whose shallow aquifer should be protected from further degradation; and

WHEREAS, The Board of County Commissioners acting as the Board of Health recognize that the continued development of the area under the present septic tank standards will only compound the nitrate problem; and

WHEREAS, the Board of County Commissioners acting as the Board of Health have studied all available information and held a public hearing and listened to experts on both sides of the issue; and

WHEREAS, Even though the Board of County Commissioners recognize that there are other sources of nitrates such as agricultural chemicals and urban run-off, they can only directly control nitrate contributions to the unconfined aquifer by their ordinance powers to regulate septic tank densities as the Board of Health

BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON

An Amendment to
Minimum Lot Size Section of Walla
Walla County Ordinance No. 109
(Page Two)

AMENDMENT to County Ordinance No. 109

WHEREAS, The Board of County Commissioners has listened to expert testimony, studied all available information and technical reports, have determined that a minimum parcel size of five acres in the Critical Water Supply Service Area as the minimum septic tank density necessary to avoid dangerous nitrate concentrations.

THEREFORE be it resolved that the Walla Walla County Board of Health does ordain that a new item shall be added under the section labeled minimum lot sizes and shall read as follows:

The minimum lot or parcel size required for the issuance of a septic tank permit in the area of Walla Walla County described below shall be five (5) acres. This shall not apply for the issuance of permits for replacement of on-site sewage disposal systems:

Beginning at a point at the mouth of the Snake River where the centerline of the Snake and Columbia Rivers intersect, thence up the main channel of said Snake River along the common boundary between Franklin County and Walla Walla County to the point where said centerline of the Snake River intersects with the Township line which forms the boundary between Township 9 North and Township North 10, thence eastward along said line between Township 9 North and Township 10 North to where said Township line intersects the range line which forms the boundary between Range 32 East of the Willamette Meridian and Range 33 East of the Willamette Meridian, said point being the Northeast corner of Township 9 North Range 32 East of the Willamette Meridian, thence South on said Range line to the Southeast corner of said Township 9 North, Range 32 East of the Willamette Meridian, thence West along the Township line forming the common boundary between Township 9 North and Township 8 North to the Southwest corner of said Township 9 North, Range 32 East of the Willamette Meridian, thence South along the Range line which forms the common boundary between Range 32 EWM and Range 31 EWM thence to the Southeast corner of Township 7 North, Range 31 EWM, thence west along the Township line which forms the common boundary between Township 7 North and Township 6 North to the intersection of said Township line with the centerline of the Columbia River, thence up the main channel of the Columbia River along the common boundary between Benton County and Walla Walla County to the point of beginning. (As shown on attached Exhibit "A".)

Kelly and Cline voted Yes. Johnson voted No.

Done this 10th day of July, 1979

Attest:

C. Lynn Smith
County Auditor and ex officio Clerk of the Board.

Franklin F. Cline
Chairman

Eugene V. Kelly
Commissioner

Harmon Johnson
Commissioner

Constituting the Board of County Commissioners
of Walla Walla County, Washington.



MAP OF EXTERNAL BOUNDARY OF THE
CRITICAL WATER SERVICE SUPPLY AREA,
WESTERN WALLA WALLA COUNTY, WASHINGTON



Quincy Soils

FILED FOR RECORD
IN WALLA WALLA CO. WASH.
BY *C. Lynn Smith*
JUL 11 4 20 PM '79
C. LYNN SMITH
AUDITOR

FRANKLIN

119° 00'

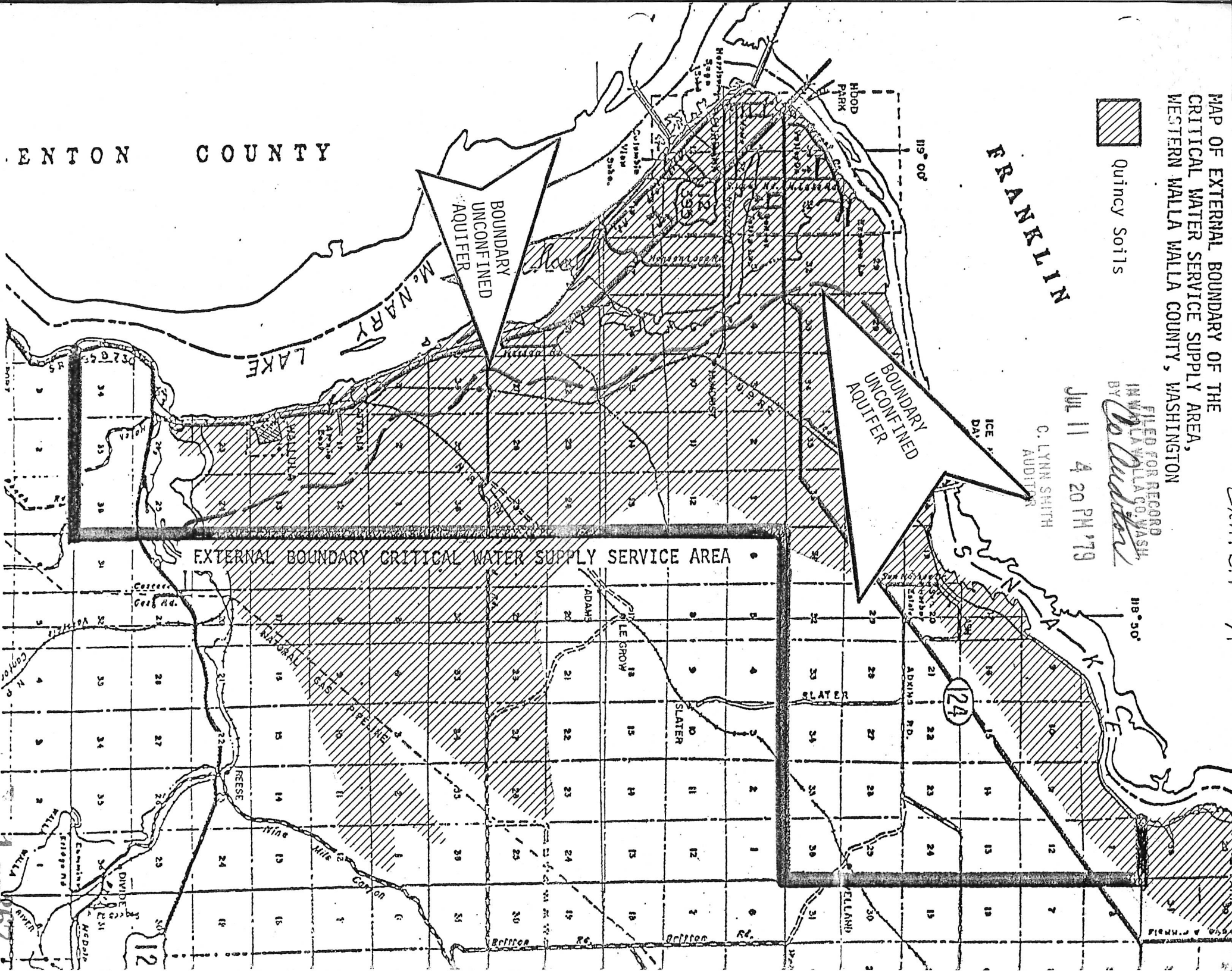
118° 30'

BOUNDARY
UNCONFINED
AQUIFER

BOUNDARY
UNCONFINED
AQUIFER

EXTERNAL BOUNDARY CRITICAL WATER SUPPLY SERVICE AREA

WALLA COUNTY



Proof of Publication

Case No. _____

STATE OF WASHINGTON, } ss.
County of Walla Walla

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Walla Walla Board of County Commissioners will hold a public hearing at 7:30 p.m. in the Commons Room at the Burbank High School on June 19th, 1979 on the following proposed amendment to Ordinance No. 109:

PROPOSED AMENDMENT TO ORDINANCE NO. 109

An Amendment to minimum lot size section of Walla Walla County Ordinance No. 109.

WHEREAS, water samples taken by the Walla Walla County-City Health Dept. from public water supplies located in western Walla Walla County have shown some high nitrate levels in the shallow aquifer with some tests showing nitrate drinking water concentrations above the maximum federal and state limits of the (10) parts per million as nitrogen, and

WHEREAS, drinking water contained high nitrate levels may cause methoemoglobinemia in infants below six months of age and thus may constitute a health hazard, and

WHEREAS, the experience of the Walla Walla County-City Health Dept. together with studies conducted in Walla Walla County and elsewhere in Washington State have shown that as much as 65 percent of the nitrate contamination is attributed to the use of septic tanks and drainfields, and

WHEREAS, the R.C.W. 70.05.060 the Walla Walla County Board of Health has supervision over all matters pertaining to the preservation of the life and health of the people in Walla Walla County and may enact local rules and regulations as are necessary to preserve, promote, and improve public health.

THEREFORE; the Walla Walla County Board of Health does ordain that a new item shall be added under the section labeled minimum lot sizes and shall read as follows:

The minimum lot or parcel size required for the issuance of a septic tank permit in the area of Walla Walla County described below shall be five (5) acres. This shall not apply for the issuance of permits for replacement of on-site sewage disposal systems:

Beginning at a point at the mouth of the Snake River where the centerline of the Snake and Columbia Rivers intersect, thence up the main channel of said Snake River along with the common boundary between Franklin County and Walla Walla County to the point where said

Thomas C. Baker, being first duly sworn on oath, deposes and says: That he is the Publisher of The Times, a weekly newspaper which has been established, published in the English language, and circulated continuously as a weekly newspaper in the City of Waitsburg, and in said County and State, and of general circulation in said County for more than six (6) months prior to the date of the first publication of the Notice hereto attached.

That said newspaper is the official newspaper of the City of Waitsburg and of the County of Walla Walla.

That The Times was on the 14th day of June, 1955, approved as a legal newspaper by the Superior Court of said Walla Walla County and that the annexed is a true copy of a

Notice of Hearing

as it appeared in the regular and entire issue of said newspaper itself and not in a supplement thereof for a period one consecutive weeks, Commencing on the 7th day of June, 19 79 and ending on the 7th day of June, 19 79 and that said newspaper was regularly distributed to its subscribers during all of this period.

That the full amount of \$ 34.30 has been paid in full, at the rate of \$1.96 per column inch.

Anita B. Baker Co., Publisher

Subscribed and sworn to before me this

7th day of June, 19 79

Bertie L. Chase

Notary Public in and for the State of Washington,
Residing at Waitsburg, Washington 99361

which forms the boundary between Township 9 North and Township North 10, thence eastward along said line between Township 9 North and Township 10 North to where said Township line intersects the range line which forms the boundary between Range 32 East of the Willamette Meridian and Range 33 East of the Willamette Meridian, said point being the Northeast corner of Township 9 North Range 32 East of the Willamette Meridian thence South on said Range line to the Southeast corner of said Township 9 North, Range 32 East of the Willamette Meridian, thence West along the Township line forming the common boundary between Township 9 North and Township 8 North to the Southwest corner of said Township 9 North, Range 32 East of the Willamette Meridian, thence South along the Range line which forms the common boundary between Range 32

Nor
Tow
of th
the
Riv
bour
Coun
to th
Dated at Walla Walla,
Washington
May 30, 1979
C. Lynn Smith
Clerk of the Board of County
Commissioners
The Times
June 7, 1979

said County for more than six (6) months prior to the date of the first publication of the Notice hereto attached.

That said newspaper is the official newspaper of the City of Waitsburg and of the County of Walla Walla.

That The Times was on the 14th day of June, 1955, approved as a legal newspaper by the Superior Court of said Walla Walla County and that the annexed is a true copy of a

Notice of Hearing

as it appeared in the regular and entire issue of said newspaper itself and not in a supplement thereof for a period one consecutive weeks, Commencing on the 7th day of June, 19 79 and ending on the 7th day of June, 19 79 and that said newspaper was regularly distributed to its subscribers during all of this period.

That the full amount of \$ 34.30 has been paid in full, at the rate of \$1.96 per column inch.

Anita B. Baker Co., Publisher

Subscribed and sworn to before me this

7th day of June, 19 79

Betty L. Chase

Notary Public in and for the State of Washington,
Residing at Waitsburg, Washington 99361

publication of the Notice hereto attached.

That said newspaper is the official newspaper of the City of Waitsburg and of the County of Walla Walla.

That The Times was on the 14th day of June, 1955, approved as a legal newspaper by the Superior Court of said Walla Walla County and that the annexed is a true copy of a

Notice of Hearing

as it appeared in the regular and entire issue of said newspaper itself and not in a supplement thereof for a period one consecutive weeks, Commencing on the 7th day of June, 19 79 and ending on the 7th day of June, 19 79 and that said newspaper was regularly distributed to its subscribers during all of this period.

That the full amount of \$ 34.30 has been paid in full, at the rate of \$1.96 per column inch.

Anita B. Baker Co., Publisher

Subscribed and sworn to before me this

7th day of June, 19 79

Betty L. Chase

Notary Public in and for the State of Washington,
Residing at Waitsburg, Washington 99361

North to the intersection of said Township line with the centerline of the Columbia River, thence up the main channel of the Columbia River along the common boundary between Benton County and Walla Walla County to the point of beginning.

Dated at Walla Walla, Washington
May 30, 1979
C. Lynn Smith
Clerk of the Board of County Commissioners
The Times
June 7, 1979

Robert J. Carson

Resumé

September, 1979

Born: 23 December 1941, Lexington, Virginia

Degrees: A.B. Cornell Univ., Ithaca, NY, 1963 (Major: geology;
Minor: chemistry)
M.S. Tulane University, New Orleans, LA, 1967
(stratigraphy and paleontology)
Ph.D. Univ. of Washington, Seattle, WA, 1970 (geomorphology,
Quaternary geology, photogeology)

Employment:

1978 to present: Chairman and Associate Professor,
Whitman College Department of Geology, Walla Walla, WA
1972 to present: Geologist, Division of Geology and Earth
Resources, Department of Natural Resources, Olympia, WA
1975 to 1978: Chairman and Assistant Professor, Whitman
College Department of Geology, Walla Walla, WA
1975 (winter and spring terms): Visiting Associate Pro-
fessor of Geology, Department of Geology, Univ. of Oregon,
Eugene, OR
1974 (fall semester): Associate Professor of Geology,
Department of Geosciences, North Carolina State Univ.,
Raleigh, NC
1970 to 1974: Assistant Professor of Geology, Department
of Geosciences, North Carolina State Univ., Raleigh, NC
1971: Assistant Professor of Geology, National Science
Foundation Summer Institute for Earth Science Teachers,
North Carolina State Univ., Raleigh, NC
1969 to 1970: Geologist, Department of Ecology, State of
Washington, Olympia, WA
1967 to 1970: Teaching Assistant and Predoctoral Teaching
Associate, Department of Geological Sciences, Univ. of
Washington, Seattle, WA
1963-1967: Petroleum Geologist, Texaco, Inc., New Orleans, LA

Professional Organizations:

International Glaciological Society
Geological Society of America
American Quaternary Association
American Association for the Advancement of Science
Northwest Scientific Association (Board of Directors,
elected 1978)
Oregon Academy of Science
Sigma Xi
Society of Economic Paleontologists and Mineralogists

Comments by R. J. Carson, Geologist,* on:

"The Geological and Hydrological Conditions at Arlene's Addition, Burbank Heights" by R. E. Brown (17 Oct. 1979)

Brown: "Arlene's Addition is underlain by sandy gravels of the Pasco gravels phase of the Hanford Formation to and below the water table."

Carson: Sandy gravels are generally highly permeable. The water table is the top of the shallow aquifer, already known to have nitrate pollution. More septic tanks will allow more effluents to reach the shallow aquifer.

Brown: "...vertical permeabilities are never higher than, and may be as low as 1/100 the lateral permeability."

Carson: In other words, vertical permeabilities may be as high as lateral permeability. Such a case is most likely where there are coarse-grained sediments, such as the sandy gravels of the Pasco gravels. Only where there is an alternation of fine-grained (clayey/silty) sediments (low permeability) with coarse-grained (sandy/gravelly) sediments (high permeability) will lateral permeability greatly exceed vertical permeability. In Figure 2, Mr. Brown states that the detail of the Pasco gravels is "not determinable from well logs."

Brown: "A complete analysis of the ground water flow system is however desired before unqualified statements can be made. ...Nitrate is considerably more mobile than most other ions in solution..."

Carson: Therefore, let us not risk further pollution of the shallow aquifer, which supplies some high-yield wells.

Brown: "The data however are inconclusive at best. An at least limited research effort is necessary to better identify the source and magnitude of the problem."

Carson: The shallow aquifer has nitrate pollution from agriculture and/or septic tanks. The fact that it is polluted suggests that pollutants move vertically from fields and drainfields down to the water table.

*Experience attached

Comments by R. J. Carson, Geologist,* on:

"Request for Variance from Amendment to Ordinance #109
to the Walla Walla County Board of Health (24 Oct. 1979)

Request: "...the aquifer underlying Arlene's Nos. 2 and 3 is not
a shallow aquifer, but a rather deep one..."

Carson: I suspect there are two aquifers there, a shallow
unconfined aquifer believed to have nitrate pollution,
and a deep aquifer.

Request: "any permeability of water or other contaminants would
be lateral and not vertical"

Carson: This statement is virtually impossible and clearly
ridiculous, and is not stated in Mr. Brown's report.
Almost all sediments have some vertical permeability.
The shallow aquifer's nitrate pollution is probably from
man's activities near and at the earth's surface.

Request: "...proper installation and operation of septic tanks
in Arlene's Addition poses no realistic problem in regard
to nitrate contamination."

Carson: Although more septic tank effluent may not pollute the
deep basalt aquifer, it will probably increase the nitrate
levels in the shallow aquifer in the Pasco gravels.

Experience attached