Letter dated April 18, 1982 from Harold Simmons, Camano Island (Marked Exhibit C)

"As owner and full time resident of Lot 36 Sunnyshore Acres, I am very interested in Mr. Cleven's application for the construction of a bridge on his property.

I have followed with interest Mr. Cleven's behavior in the development of his property these past six or seven years. He has flaunted the rules and the system from the very beginning. Starting with cutting a road to the beach and removing the timber without proper permits. When given permission to build a bridge he promptly filled in the slough, completely blocking it. When I complained to the Island County Commissioners, they had him remove the fill. Instead of a bridge he installed a culvert which was both inadequate in size and grade to permit flow of tidal waters. Then the court ordered removal of the culverts and a certain percentage of the fill that had been brought down from above. They further specified that no further development take place. The day after the culvert and dirt was removed he had a backhoe digging a trench under the slough burying a large water main in defiance of the court order. I complained again to the authorities and he was ordered to remove it.

When considering his application for any further development, please keep in mind his past performance. Thank you,"

Mr. Don Ide, adjacent property owner on the North, referred to the letter he wrote on August 27, 1973, when the first hearings were held. He also wrote a letter to the Army Corps of Engineers at such time the public was notified about the request for the bridge. Mr. Ide reaffirmed the position he had always maintained as outlined in that August 1973 letter addressed to the Island County Planning Commission. Since that time, Mr. Ide noted he had built a house on his property, with the following events having occurred:

1. Mr. Cleven was authorized to bridge the slough and put in a raised road parallel to the water across all eight of his lots. This sand spit per Island County Comprehensive Plan is classified as "natural".

2. Mr.Cleven built a causeway pierced at several points by large culverts which frequently became jammed with drift which impeded the flow of the tidal waters in and out of the slough. On occasion, excess slough water broke out to the beach in various places.

3. Subsequently, Mr. Cleven was required to remove the causeway and most of the causeway fill was trucked to the upland area where it originated and the raised roadway was bulldozed seaward and spread over the sand spit. The tide now flows freely in the slough.

Mr. Ide reported he had no objections to Mr. Cleven's present proposal and would welcome secure access to the beach at all times. He pointed out that Mr. Cleven had assured him repeatedly he is willing to grant an easement to use his road to the beach in return for which Mr. Ide is to grant him an easement to cross his property to reach Lot #18 which Mr. Cleven owns. Mr. Ide indicated he saw nothing in the proposed plan that would adversely affect the environment, and that the 18' width of the channel floor is considerably wider than the channel at the entrance of the slough. Mr. Ide reported that Mr. Cleven told him that it is his intention to sell the lots individually and it is his understanding this is zoned for single family residences. Because of the steepness of the bank, the natural classification of the sand spit and adjacent lands, Mr. Ide stated that the only feasible building sites are on the upland areas at the top of the bank, and would permit residents there convenient access to the bridge portions of the property. Since the fill was taken out, Mr. Ide stated that the slough had cleared considerably north of an old bridge that has been there since 1930.

Mr. Emil Nelson, adjacent land owner to the south of Mr. Cleven, showed the Board some photographs taken at various times showing logs in the wetlands. Mr. Nelson stated that for the last several years they had had an influx of logs coming in unable to go out, part of which had been caused by the foot bridge which fell down on one end. Mr. Nelson questioned the matter of the new bridge -- whether or not the piers are wide enough to accommodate the slough without having the piers in the water so that log movement could occur. Also questioned is the matter that the winter high tide waters act in a flushing action in the wetlands and if there is a bridge there and the movement is north, the bridge will have to be contended with, and would therefore cause further deterioration to the wetlands. Mr. Nelson recommended that the Board consider in this request for permit of the bridge, all permits for fill, construction, septic tanks, drainfields and bulkheads i.e. for the whole development, because the bridge is an integral part of the construction which is contemplated on the spit. Mr. Nelson advised that the Department of Game, Department of Fisheries, Department of Health, Department of Ecology and the Environmental Protection Agency all had testified against the development as being detrimental to the welfare of these wetlands, and Mr. Nelson asked that the Board deny the request for permit.

The Chairman clarified wherein the Board of Commissioners stood at this point, understanding that before the Board today, because of previous action by many bodies, is simply the matter of addressing the bridge going to that spit, and the Board is not involved in any way with future development on the spit. Chairman Kemp noted that the Board did spend some time with the Prosecuting Attorney receiving very specific guidance and the Board is not in a position to impose restrictions, however, did give assurance that in not imposing restrictions neither did it imply any type of approval. Anything further which would happen on that spit, Mr. Cleven or an individual owner, would have to go through all procedures associated with shoreline management development permit processes, both with Island County as well as State entities. It is the Chairman's understanding that the Board today is addressing the bridge preauthorized by action higher than the Board of Commissioners, and that the bridge as proposed is probably better from an environmental standpoint of the slough, than if simply filled.

Bruce Smith confirmed the Chairman's statements to be correct, but indicated there could be some permits other than substantial development which would be required for future building on the spit.

Commissioner Dunlop stated that in April of 1976, Superior Court remanded this entire matter to the Shorelines Hearing Board requiring that a permit for the fill, road and slough crossing, be issued. The Shorelines Hearing Board in September of 1976 did remand the matter back to Island County and required the issuance of a permit allowing the grading and construction of a road to the slough for use of vehicles down the bluff, across the slough and down the spit; that was required as a result of the Superior Court hearing, and at that point Island County did issue a Shoreline Development Permit. Commissioner Dunlop agreed with the Chairman that even the bridge itself would require a building permit and consultation with the County's

BOARD OF ISLAND COUNTY COMMISSIONERS

MEETING OF APRIL 26, 1982

AGENDA

9:30 COUNTY ENGINEER

10:00 1) PUBLIC HEARING Franchise #217 Long Point Manor Water Inc. for Waterlines in Parker Rd., Alta Vista Ave., Portal Pl., Marine Dr., Crown Ave., & Sunset Pl., Sec. 26/35, T32N, R1E, Whidbey Island

10:30 2) PUBLIC HEARING Franchise #219 John A. Somers Water Association for waterlines in West Camano Drive and Highland Park Way, Sec. 15, T30N, R3E, Camano Island

11:00 3) PUBLIC HEARING Ordinance Number R-23-82, Reduction of Speed Limit on Campbell Road - its entire length, to 35 mph, Sections 22/23, T29N, R3E, Whidbey Island

4) Quitclaim Deed for Right-of-way Acquired During Short Platting:

a) Hubert M. & Ann B. Blalock, Short Plat 81/55 - Possession Road

5) Request for Double Access - Ruby M. Allen; Access to Kinzie Road from Parcel 191.508, Sec. 1, T33N, R1E (4537 N. Kinzie Road) North Whidbey

11:34 PROSECUTING ATTORNEY

1:30 PLANNING DIRECTOR'S REPORT

1) Miscellaneous

2:00 OPEN SPACE APPLICATIONS

NO. OS-1-82 and OS-2-82, Evelyn Varon, South Whidbey

2:30 OPEN SPACE APPLICATION

No. OS-14-81 by John & Bertha Posel, North Whidbey

3:30 SLIDE PRESENTATION OF ISLAND COUNTY UNSTABLE LANDS AND SHORELINE AREAS

Mr. Dave Bonvouloir, Soil Conservation Service

Ellen K. Meyer

Ellen K. Meyer, Deputy
Clerk of the Board