

September 04, 2012

Dear Commissioners, officials, members of the press and hard working members of Island Citizens for Public Beach Access (ICFPBA):

Greetings and welcome to our report on an especially difficult public beach access.

The attachment includes a list of unlawful encroachments in the Marissa Lane, Sandy Point & the Hinman plat area.

There is an interactive photo-map to help you locate the encroachments.

To navigate, click on any of the bullet points (1 -13) and it will take you to the map. If you click on a number on the map, it will take you back to the bullet points.

You may find some of these items trivial, but all are illegal. In the aggregate they combine to block public property from public use, blocking both vehicle and pedestrian access to the public beach. There are many more areas of public beach access in Island County suffering from the same abuses and we intend to find every one of them.

This report is the result of several years of research carried out b volunteers who care about our legal access to the beach-- It's for themselves, their friends, their families and for generations to come.

There may be errors, but we hope not. There may be more encroachments, as there have been many years of neglect. We hope any we've missed will be exposed and dealt with in a manner that benefits the public in a lawful manner.

For most of us with ICFPBA, we've gone as far as we can with this project. Now it's up to our government leaders to do their part. We hope they will.

Please take the time to read this report. .

Sincerely,

Mike McVay
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Drew Kampion
Elliott Menashe
Marjorie Montaperto

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Fellow citizens, Island County commissioners, Director of Planning and Community Development, Director of Public Works, Washington State Department of Ecology, Port of South Whidbey, members of the press:

Greetings from ISLAND CITIZENS FOR PUBLIC BEACH ACCESS

Over the course of the past several months, encroachments on Marissa Lane, a 20-foot-wide public road, have been listed in multiple complaints filed by citizens with ISLAND COUNTY PLANNING AND COMMUNITY DEVELOPMENT. No action has apparently been taken by the county, except that street signs indicating that Marissa Lane is a public beach access have been installed at both ends of the road (and we are grateful for them).

Because of the reluctance on the part of the Public Works Department to share survey information, ISLAND CITIZENS FOR PUBLIC BEACH ACCESS (ICFPBA) has commissioned a professional surveyor to help document boundaries and encroachments. We intend to file that survey with the Island County Auditor's office in the near future. When we have done so, the information will be available to the public, with no restriction on its use.

Encroachments for which we petition corrective enforcement by Island County, include, but are not limited to, the following:

1. Misleading signs in the Marissa Lane Right-of-Way (ROW) by the Sandy Point Owner's Association (SPOA) or members of the community claim the roadway is private.
2. Mail boxes and paper boxes installed by SPOA or individual members of the community intrude into the Marissa Lane ROW and combine to obstruct nearly nine feet of Marissa Lane ROW.
3. The three private SPOA member driveways that abut Marissa Lane are not legally permitted and obstruct over 100 feet of the Marissa Lane ROW.
4. Two private garages of the Sandy Point community intrude into the ROW, one of them by several feet.
5. A wooden fence installed by private landowners in the Sandy Point Community runs down the center of the 20-foot-wide Marissa Lane ROW and restricts its width to 8 feet. Further, the roadbed north of the fence has been excavated in lots 3, 4, 5, 6, 7 and 8 of the Sandy Point community.
6. The private concrete bulkhead of lot 1 of the Sandy Point Community encroaches nearly two feet into the Marissa Lane tide land ROW.

In an effort to educate the public as to the nature of those encroachments, a well-attended picnic was held on August 19, 2012, during the course of which further encroachments were noted by those in attendance.

7. The Southwest terminus of the private driveway at the Crab Alley/Wateredge Drive intersection extends for approximately 30 feet into the Wateredge Drive ROW where a cattle gate is used to block access.
8. A sign in the Wateredge Drive ROW claims the land is private property.
9. Parking along Wateredge Drive both east and west of Crab Alley is being blocked by several empty boat trailers in the ROW which are partially obscured by tall grasses, Canadian thistles, tansy and blackberries.
10. The Public FOOTPATH which runs between lots 8 and 19 of the Hinman Plat and abuts Wateredge Drive and Marissa Lane is being claimed by the adjacent landowner who has apparently torn out the steps and safety railing on the Marissa Lane terminus, creating an impediment to public access and constituting a public nuisance.
11. Parking along Maple Cove Road is restricted by landscaping in the form of shrubbery encroaching approximately ten feet into the ROW in front of lot 16 (Hinman Plat).
12. Lot 19 of the Hinman Plat has an extended driveway and parking area that intrude nearly 20 feet into the Wateredge Drive ROW. The driveway also extends into the Marissa Lane footpath.
13. Lot 20 of the Hinman Plat has an extended driveway and parking area that extends approximately 10 feet into the Wateredge Drive ROW.

Because the Marissa Lane road end and the Marissa Lane Footpath fall within 200 feet of the shoreline per Shoreline Master Program (SMP) guidelines, ICFPBA requests a conflict resolution process involving the Washington State DOE. ICFPBA requests that we be party to the process and resolution of these issues.

It is the opinion of ICFPBA that rather than deal with so many encroachments in a piecemeal manner it would be better to develop a mitigation plan encompassing a comprehensive solution.

Therefore, we request that a moratorium be placed on the entire Marissa Lane area and that no permits of any kind be issued until all encroachment issues are resolved.

ICFPBA requests that Island County Departments of Planning and Public Works acknowledge receipt of this complaint and advise us of their plans to address and resolve these issues in a timely manner.

Sincerely,

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Click number for description



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