

REGIONAL DISTRICT OF NANAIMO

**REGULAR BOARD MEETING
TUESDAY, JULY 26, 2016
7:00 PM**

(RDN Board Chambers)

A D D E N D U M

5. COMMUNICATION/CORRESPONDENCE

(All Directors – One Vote)

- 2 **Peter Fassbender, Minister of Community, Sport and Cultural Development**, re Unconditional Grant Funding Letter – June 2016 Payment.
- 3-6 **Canadian Wildlife Service** re Critical Habitat for Two Endangered Bats.
- 7-11 **Garry Hein, Cranberry Fire Protection Improvement District**, re Application for \$145,987 from Community Works Funding.
- 12 **Joelle Greene**, re Development Permit with Variance Application No. PL2016-089 – 1954 Shasta Road – Electoral Area 'A'.
- 13 **James and Kim Bennett**, re Development Permit with Variance Application No. PL2016-089 – 1954 Shasta Road – Electoral Area 'A'.
- 14-15 **Dick Higgins**, re Development Permit with Variance Application No. PL2016-089 – 1954 Shasta Road – Electoral Area 'A'.
- 16-17 **David and Rita Mellard**, re Development Permit with Variance Application No. PL2016-089 – 1954 Shasta Road – Electoral Area 'A'.
- 18-19 **Deborah Blum**, re Development Permit with Variance Application No. PL2016-089 – 1954 Shasta Road – Electoral Area 'A'.

From: LGIF CSCD:EX [mailto:LGIF@gov.bc.ca]
Sent: Friday, July 22, 2016 3:18 PM
To: corpsrv
Subject: Unconditional Grant Funding Letter - June 2016 Payment

Ref: 167872

Mr. William Veenhof
and Board Members
Regional District of Nanaimo
6300 Hammond Bay Rd
Nanaimo, BC V9T 6N2

Email: corpsrv@rdn.bc.ca

cc: widema@rdn.bc.ca

Dear Chair Veenhof and Members of the Board:

I am pleased to inform you of the 2016 Regional District Basic Grant for your regional district. This provincial grant program supports strong and vibrant communities by ensuring regional districts have the necessary fiscal capacity to provide good governance, administration and financial services to their citizens.

For 2016, the Province of British Columbia will provide approximately \$4.5 million to the 27 regional districts throughout British Columbia as well as to the Islands Trust. This amount will be marginally lower than the 2015 funding because, if you recall from last year, the Province advanced \$168,000 from the 2016 budgeted grant amount to the 2015 grant payment. This was a one-time adjustment.

If you have any questions or comments regarding your grant amount, please feel free to contact Ms. Jennifer Richardson, Policy Analyst, Local Government Infrastructure and Finance Branch, by email at: Jennifer.Richardson@gov.bc.ca or by telephone at: 250 356-9609.

Unconditional Grant Funding	Purpose	Payment Date	Amount
Regional District Basic Grants	Local government services	June 29, 2016	\$108,705

Sincerely,

"Original signed by"

Peter Fassbender
Minister of Community, Sport and Cultural Development
Minister Responsible for TransLink

From: EP.RPY / SAR.PYR (EC)
Sent: Friday, July 22, 2016 9:01 AM
Cc: EP.RPY / SAR.PYR (EC)
Subject: Seeking your Input on Critical Habitat for 2 Endangered Bats

As you may recall from previous correspondence, the **Recovery Strategy for Little Brown Myotis (*Myotis lucifugus*), Northern Myotis (*Myotis septentrionalis*), and Tri-colored Bat (*Perimyotis subflavus*) in Canada** was posted as proposed on the Species at Risk Public Registry on January 4th, 2016 for a 60-day consultation period. Additional critical habitat locations (i.e., the habitat needed for the survival or recovery of a species) have since been identified as a result of input received during the public consultations. This additional habitat is shown in the attached maps and may be found in your area.

The proposed recovery strategy is available on the Species at Risk Public Registry here: http://registrelep-sararegistry.gc.ca/document/default_e.cfm?documentID=2475.

If you have any input, questions, or concerns regarding this recovery strategy and the new critical habitat locations identified please contact the Species at Risk Recovery Team at ec.ep.rpy-sar.pyr.ec@canada.ca or by calling 604-350-1900. We request that you submit your feedback by August 19th, 2016.

Further, because effectively reaching landowners can be a challenge, we would greatly appreciate it if you could share this information with members of your community.

These three bats are listed as Endangered under the federal Species at Risk Act. White-nose Syndrome, a disease specific to bats, has caused population declines that may be the most rapid of any species of mammal ever documented in North America. The critical habitat locations identified in British Columbia are places that the Little Brown Myotis or Northern Myotis use for winter hibernation. The most important thing that people can do is to stay out of these or other sites where bats hibernate. This can help ensure that the spores of the fungus that causes White-nose Syndrome are not spread. You can find additional information on Bats and White Nose Syndrome here: <https://www.registrelep-sararegistry.gc.ca/default.asp?lang=En&n=073DC653-1>.

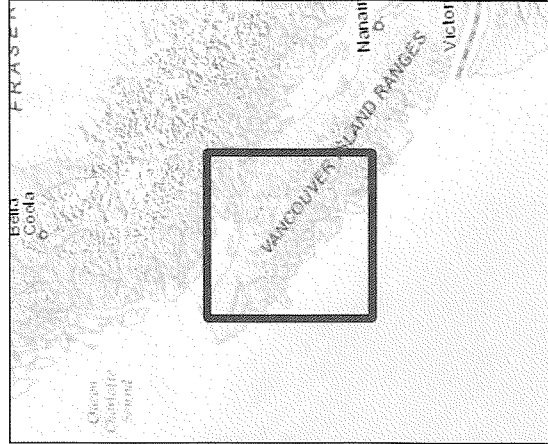
Little Brown Myotis (*Myotis lucifugus*) Critical Habitat

North Vancouver Island,
British Columbia

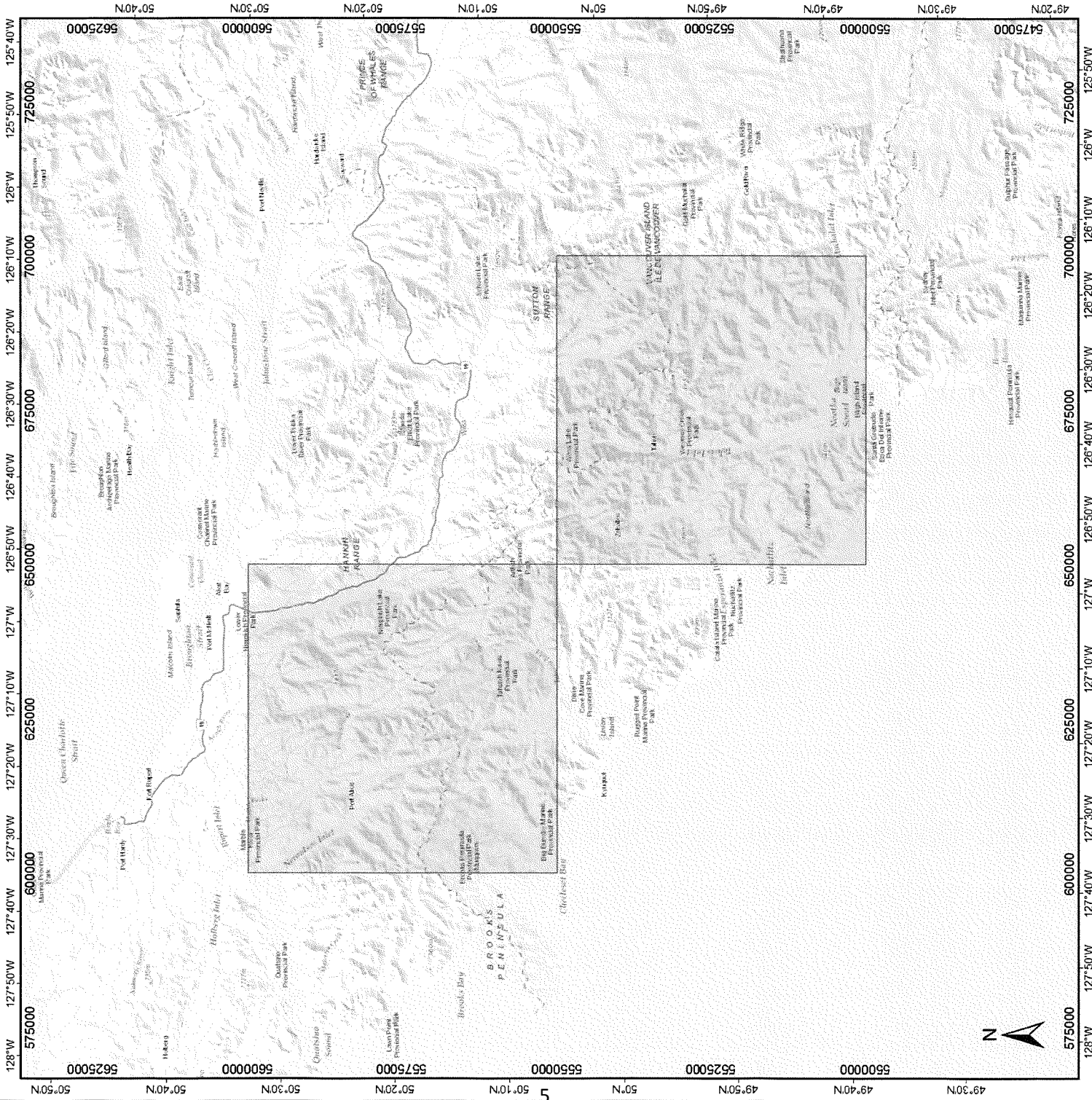
Legend



National 50 x 50 km
standardized UTM grid
squares within which
critical habitat
(hibernacula) is found



UTM Zone Number 9N
North American Datum 1983
1:859,697



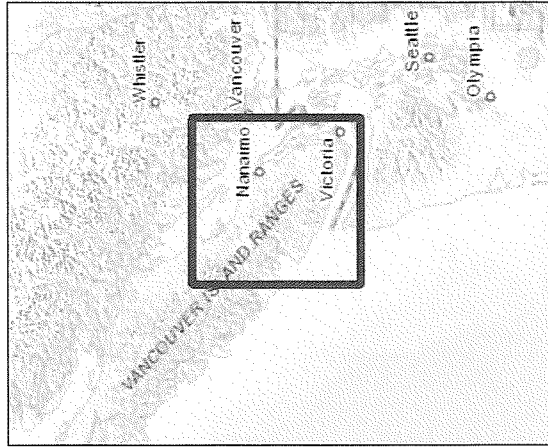
Little Brown Myotis (*Myotis lucifugus*) Critical Habitat

South Vancouver Island,
British Columbia

Legend

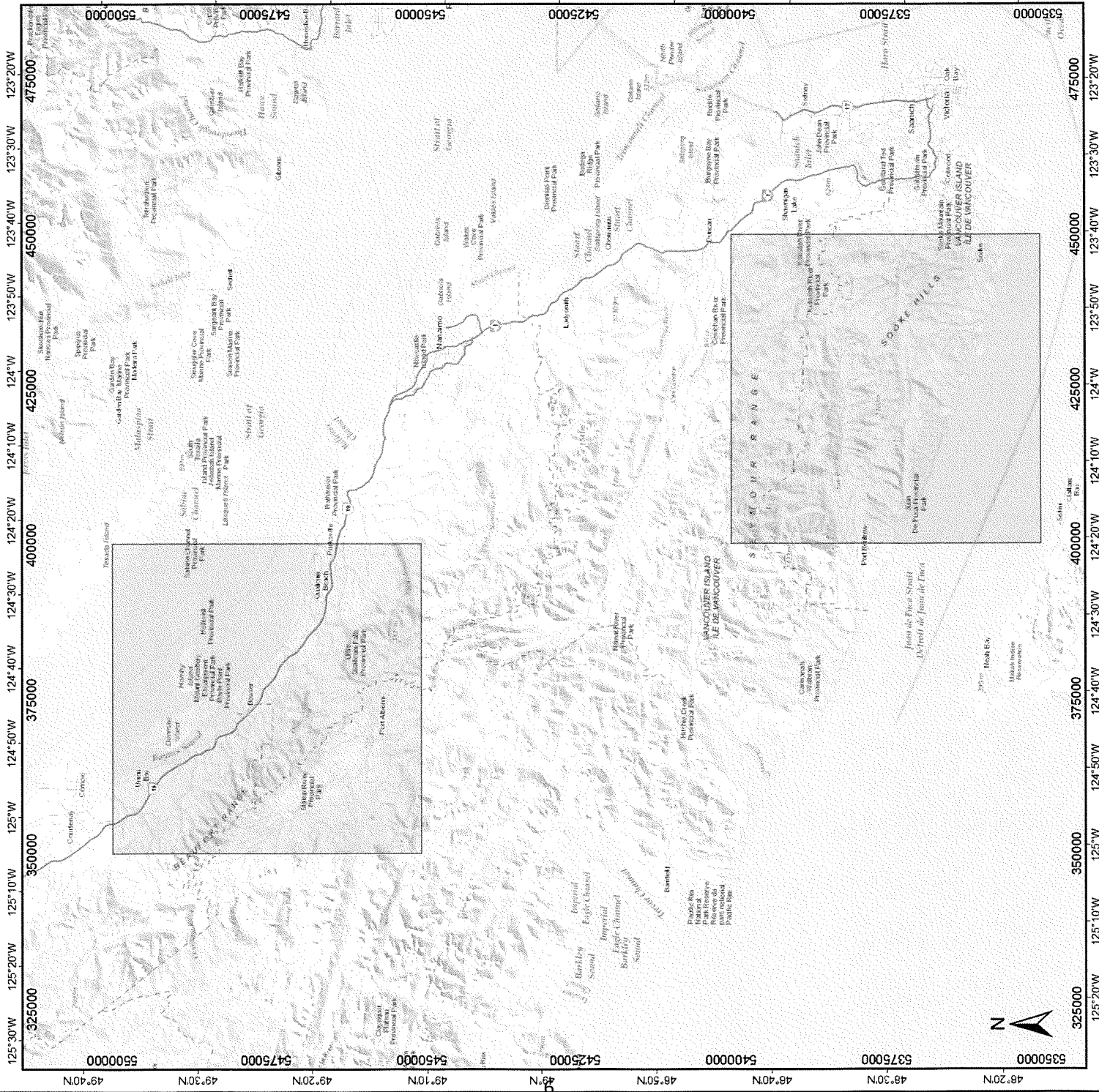
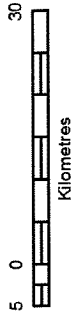


National 50 x 50 km
standardized UTM grid
squares within which
critical habitat
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UTM Zone Number 10N
North American Datum 1983

1:859,697



Cranberry Fire Protection Improvement District



1555 Morden Road • South Wellington, B.C. V9X-1T6
E-Mail: garry_hein@telus.net

July 25, 2016

Alec McPherson
Director Electoral Area A
South Wellington, Cassidy, Cedar

Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC
V9T 6N2

Application for \$145,987.08 from the Community Works Funding

The Cranberry Fire Protection District (CFPD) requests Community Works Funding totaling \$145,987.00 to pay for 35% of the estimated cost of the Cranberry Community/Fire Hall Up-Grades. The majority of the funding would be used for building energy system upgrades. Building upgrades include: windows replacement, exterior wall insulation, LED lighting, Heat Recovery Ventilators (HRVs), Heat pumps and HVAC control systems.

Other building upgrades/works: Addition of a Universal Toilet Room (UTR, formally known as a wheel chair accessible bathroom), building repainting, sheltered bus stop addition with sitting bench for students waiting for the school bus or after school and perimeter drain replacement for the gymnasium area of the building.

Project Background:

October 2014 the building was damaged by a fire. The structural damage to the building was limited but the smoke and water damage was extensive. A review of building deemed it repairable. The insurance company will repair the building and return it to its original condition along with any of the minimum building code upgrades under our insurance policy.

The board of trustees reviewed the building, its condition and future use. It was decided to fund energy efficiency upgrades to items not covered by the insurance repairs and/or take advantage of the rebuilding process to have building serviced or upgraded as needed.

Cont.



The community hall gymnasium and common areas of the building have not been available for community use since the fire. Using the existing truck bays and renting a large portable office trailer outside for a radio room and staging area maintained fire hall operation.

Budget:

The project is estimated to be about \$1,201,588.47. Insurance portion is approximately \$784,482.53. Cranberry District portion is estimated to be \$417,105.94. 35% of the \$417,105.94 is \$145,987.08.

Timing:

The project has started. The project is expected to be completed by mid September 2016.

Brief History of the Community Hall / Fire Hall

The original gymnasium was built as part of a Centennial Project in 1967. There were various upgrades and additions throughout the years. A major upgrade was performed in the early 80s with the addition of the fire hall as we have today. Fundraising by local community members at bingo halls and local functions funded this upgrade. This and various other hall renovations have required a large volunteer component to be feasible and successful. This one is no exception.

School District 68 used the Gymnasium for as part of the South Wellington School operation until the school was closed. The building is used regularly for community functions including community markets, dances, birthday parties, yoga classes. Child, youth and adult educational and recreational programs, local RDN meetings. The building also functions as a local emergency shelter.

Thank you for your consideration,

Sincerely,

Garry Hein,
Cranberry Fire Protection
Improvement District

Cranberry Community Hal/ Fire Hall Rebuild

Jul-16 Garry Hein

Belfor Property Restoration
 Tectonica Management Inc.
 G. R. Excalibur Custom Homes Ltd.

Successful bidder of Three Contractors: G.R. Excalibur Homes LTD

Tender Total	\$ 1,032,066.00
Insurance Portion	\$ <u>784,482.53</u>
Cranberry Portion adjustments from original Tender	
Difference after Das Replacement Cost	\$ 43,942.70
Difference in Electrical for size of Main Wire for Generator and Control	\$ 13,884.00
Fifty Percent from Electrical Room	\$ 1,535.83
Fifty Percent from Roof for Electrical Room	\$ 7,500.00
Discount from Roof for HVACs Curb & Penetration	\$ 800.00
Discount from Electrical for wiring of new HVACs Units	\$ 1,600.00
Discount from Structural up-grade to accommodate HVACs Units on Roof	\$ 4,367.08
	\$9,061.00
Discount from Tile to Spec FRP Panel on Main Floor Washrooms	\$1,200.00
10 PERCENT GENERAL CONTRACTING FEE	\$ 3,994.79
	\$ <u>43,942.70</u>

\$ 43,942.70

Cranberry Portion Separate Pricing

SP1	Soffit	Paid	\$5,600.00
SP2	Exterior Painting		\$14,500.00
SP3	Signage – ½" aluminum		\$2,000.00
SP4	Access		\$1,195.00
SP5	Satellite Dish Removal	n/c	
SP6	Windows		\$14,128.00
SP7	Exterior Wall Insulation	Paid	\$15,105.00
SP8	Exterior Lighting		\$3,979.00
SP9	Electrical Service Size		\$900.00
SP11	Apparatus Bay Hose Reel and ERV		\$12,022.23
SP12	Washroom ERV		\$9,905.35
SP13	L2 Washroom Entry Reframing	Paid	\$7,640.00
SP14	Scaffolding / 45' Man Lift	Paid	\$2,800.00
	10 PERCENT GENERAL CONTRACTING FEE		\$9,012.85
			\$ <u>99,141.43</u>

\$ 99,141.43

Cranberry Portion Optional Pricing			
AP3 – Stainless Steel Countertops	184 Paid	\$5,300.00	
AP4 – Flooring	184 Paid	\$17,679.03	
AP5 – W4 and W5 Spray Foam	184 Paid	\$19,000.00	
10 PERCENT GENERAL		\$ 4,197.90	
		\$ 46,176.93	\$ 46,176.93

Extra's	Invoice No.:		
Door extras	175 Paid	\$ 6,461.00	
Concrete Curb truck bays	176 Paid	\$ 1,510.00	
Extra fees for demo and framing at the Cranberry Hall	177 Paid	\$ 5,388.93	
Extra fees for demo and framing of Hardie panel for lower gymnasium wall	178 Paid	\$ 5,036.56	
wall including T&G cedar and black material panels	180 Paid	\$ 3,225.00	
Hardie siding and T&G cedar to front and upper side exterior of the	181 Paid	\$ 6,725.30	
Cabinet Extras	182 Paid	\$ 9,121.62	
	184 Paid	\$ 2,216.25	
Extra to enclose window opening Cranberry Community Hall – Material and labor to install perimeter drain.	169 Paid	\$ 2,100.00	
Extra for underground	168 Paid	\$ 15,077.05	
Exterior Awnings School Bus Stop	estimated	\$ 6,000.00	
10 PERCENT GENERAL CONTRACTING FEE	estimated	\$ 37,000.00	
		\$ 9,986.17	
		\$ 109,847.88	\$ 109,847.88

Other Items				
Mechanical Engineering Services	Paid	\$	3,000.00	
Electrical Engineering Services	Paid	\$	3,500.00	
Structural Engineering Services	Paid	\$	2,000.00	
BC Hydro Electrical Service	Paid	\$	19,891.00	
BC Hydro Connection Fees	Paid	\$	306.00	
Project Management	estimated	\$	15,000.00	
Architect	estimated	\$	5,000.00	
Building Permits	estimated	inc		
Security	estimated	\$	4,000.00	
Fencing	Paid	\$	500.00	
Contingency General	estimated	\$	20,000.00	
Additional Electrical	estimated	\$	15,000.00	
Additional Plumbing	estimated	\$	10,000.00	
Mechanical	estimated	\$	10,000.00	
Additional Building upgrades:				
Exterior Asphalt Repairs	Hub City Paving	\$	9,800.00	
		\$	<u>117,997.00</u>	\$ 117,997.00
				\$ 417,105.94
				\$ 784,482.53
				\$ 1,201,588.47
				\$ 145,987.08

Expected Expenditures Cranberry
Expected Expenditures Insurance
Total Project Est.

35% of Cranberry Estimated Expenditures

From: J W

Sent: Monday, July 25, 2016 11:05 AM

Subject: FW: 1954 Shasta rd. Variance application No PL2016-089

Subject: 1954 Shasta rd. Variance application No PL2016-089

Hello I am a resident at 2021 Pace road. I have used this beach access for over 20 years and the beach we are talking about was my children's playground. I have real concerns in hearing recently about an application by the current landowner to construct a revetment. I am hoping to maintain high tide beach access to this area and the ability to walk from Pace road/Headland through to Shasta road. We have been able to walk this route with horses, children and dogs for many years and now it is becoming difficult with the construction of fences and other barriers. It is my fear that this revetment may pose another obstacle/barrier to limit public access to the area.

In the past the maple tree has provided shade and shelter for my children playing on the beach. Many of the trees along the bank have served as eagle habitat and the elders teach their young how to fish in the bay. This area is also home to a family of otters that I see daily. Recently there have been tremendous changes to the landscape. It would be a huge loss to lose this beach and the access to it now and for future generations. This small unique, beautiful area has been under big threat as of late. Many trees have come down stressing out the brown squirrels that call the area home. Development is occurring at the side and back of my property. Power has been installed underground and water run off has been re directed. I have already seen endangered wildflower patches destroyed by machinery. We have fought as a community to protect Boat Harbour from dredging and harm to marine life. I sat on the beach last summer and watched the transient orca group pass through the area hunting seals off the headland road beach access. Many neighbours gathered to watch this amazing event unfold in front of us. People and dogs in the area frequent these beaches daily and use them for recreational enjoyment. I used to be able to take my horses swimming in the bay in the summer time.

I was only notified of this revetment recently. As a close neighbour informed us via email. I am hoping the RDN will be taking a close second onsite look at this proposed variance to make sure the that the public's rights/interests are kept in mind. It would be my greatest hope that a walkable path be constructed at the top of the revetment to provide year round high tide passage between Headland road beach access and Shasta road beach access. It would ideally be a wheelchair / user friendly path ideally with ramps at both ends to provide easier access to the beach.

If this application is approved as written, I worry that the adjacent south property will also request similar variance in turn further reducing accessibility to the area. This area beach would only be accessible by low tide and that would be a sad day for our rural neighbourhood.

Thank you for your time regarding this matter,
Joelle Green

From: James & Kim Bennett
Sent: Monday, July 25, 2016 3:37 PM
Subject: PL2016-089

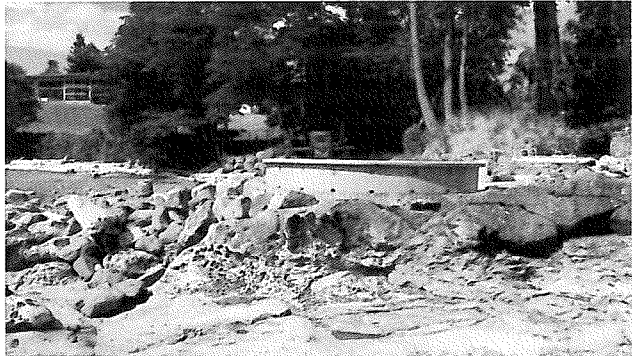
TO: Jeremy Holm, Manager, Current Planning
Stephen Boogaards, Planner

SUBJECT: Development Permit with Variance Application No. PL2016-089 Lot 1, Section 13, Ranges 5 and 5, Cedar District, Plan EPP50146 1954 Shasta Road — Electoral Area 'A'

Dear Jeremy and Stephen,

We support the Variance Application conditional on the provision of the public beach access as discussed with Mike Crucil, today, July 26, 2016; his intention is to provide wide safe steps thru the rip rap on the public right of way; using the large quantity of landscaping rock he has on his property.

We are neighbours of the Crucils who are planning to put rip rap (wall of large rocks large rocks up to 4 meters high at a 60 degree angle) on the bank at the top of the beach in front the public right of way access adjacent to their property as per the Application No. PL2016-08 Attachment 3 Proposed Site Plan and Variances (Page 2 of 2) and Simpson Geotechnical Ltd Drawing Number Figure 3.



From: Dick Higgins

Sent: Sunday, July 24, 2016 12:20 PM

Subject: Additional comment re:Development Permit with Variance Application No. PL2016-089

Further to my previous comments on the proposed Variance application, it has come to my attention that the foreshore lot boundary for the subject property as indicated by the property stakes and with the property owner's acknowledgment is at the top of the embankment rather than inclusive of it and consequently the entire works under discussion is to be constructed outside the property boundary on public lands.

While I have no objection to the property owner constructing a beach access or a revetment, under the circumstances it is quite clear that it is the public interest, in this case, public access along the beach at all tide levels, that takes priority in decision making and any revetment approved and constructed must reflect that.

Dick Higgins

From: Dick Higgins

Sent: Saturday, July 23, 2016 11:39 AM

Subject: Development Permit with Variance Application No. PL2016-089

It has recently come to my attention that an application to build a revetment has been filed by the owner of the property at 1954 Shasta Rd. As one of the large local community of pedestrians outside the 50m notification radius that use the streets and trails in the area on a daily basis, I would like to bring several concerns with this application to your attention.

First is the purported need for this construction. The recent slide resulted in very little damage and based on observations over 25 years of using that beach, is a very rare occurrence. Drainage issues arising from the complete vegetation removal and substantial regrading of the area upland to the slide are likely important contributors to it's occurrence suggesting that a repeat is unlikely once the applicant has finished replacing vegetation removed during construction. A cynic might suggest that the landslide is being used as the reason to suspend Section 3.3.9 a)ii) and Section 3.4.84 of Bylaw 500 in order that a private beach access conflicting with those Sections may be constructed by the owner. A site visit by RDN planning personnel might be helpful to establish some perspective on the application.

Second is the undefined nature of the property boundary where the proposed revetment will be built. Attachment 3 indicates that a specific maple tree clearly located on the beach is within the construction footprint of the revetment and thus is within the property boundary while at the same time, the application suggests tidal action is responsible for the damage done in an area that is farther inland and at higher elevation than the tree. This would seem to indicate that the proposed construction footprint is within the tidal zone and therefore outside the property boundary. Clarification of the boundary by impartial BC Land Surveyors would seem to be in order.

Third, many of the locals use the beach as path between the public road allowance described in the application and the Headland Rd. road allowance permitting a very pleasant and frequently used 5 km walking circuit. The condition of the paths on those road allowances is testament to the value placed on these accesses and their frequent use by that group. The transit along the foreshore in front of the

subject property, a key part of the circuit, is tide limited; only a very narrow but sufficient strip of the beach is passable at higher tides. It would be very unfortunate to lose this access and unconstrained public use of the walking circuit in order that the owner may construct a private beach access and particularly in a case where the case for waiving applicable sections of the Bylaw 500 is questionable. Should this application be approved, it should include language that protects the public right of access along as well as to the beach.

While I appreciate that the owner of the property is entitled to the use of his property and is offering some public benefit by improving the public beach access, there is a history in the area of declining public access as waterfront landowners appropriate public lands for their own use. Notable examples are the Lofthouse Rd. allowance extending to the beach that has been appropriated by the adjacent landowner for his driveway and horse stables and the Farnsworth Way road allowance that also has been appropriated by adjacent property owners for their own use. It would be unfortunate if this case turned into another example of public access disappearing to serve private interests.

Thank you for your consideration.

Dick Higgins

From: davimel1

Sent: Monday, July 25, 2016 9:07 AM

Subject: Development Permit with Variance Application No. PL2016-089 June23, 2016, 1954 Shasta Road

I did not receive notice of the application to "reduce the setback to the sea to permit the construction of a rip rap type revetment on the subject property", and learned of it incidentally on 21 July.

I am directly affected, as are many others who do not reside within a "50 meter radius" that defines notice recipients.

The application refers to a "natural boundary" per Plan 19608, along which the revetment is to be constructed. A recommended approval condition states, "All works are to be upland of the natural boundary identified on Plan EPP50146."

It is unclear how these Plans interrelate, and how the "natural boundary" in Plan 19608 and revetment proposed, physically relate to the boundary pins on the property.

A title document dated the 1950's/1960's depicts a series of boundary pins running parallel with the waterfront, at the top of the "eroding" bank subject of the application. The northeast corner property pin, closest to the public access point, is physically visible at the top of the bank.

The applicant /owner indicated 23 July, that the pin on the southeast corner of the waterfront facing segment of property is at/ under a fencepost at the top of the bank. A fence runs parallel with the waterfront at the top of the bank, and purports to connect the pins. Other pins between the northeast and southeast corners are not visible. A strip of land between the fence and bank edge enables passage along the waterfront both at high and low tide.

Trails at the top of the bank used extensively by the public for decades, enabled access between Shasta and Headland and Pace Roads via the waterfront. Without the section of land between the edge of the bank and applicant's fence at the top of the bank, that waterfront area is impassable at high tide.

The maple tree marked on the plan of the proposed rip rap area is actually on the beach, well below the top of the bank, and well below the fence and pins defining the owner's property boundaries. There is blue tape on rocks and trees at the beach area, well below the top of the bank (survey tape?). Is this the "natural boundary?", "upland of which" the foot of the revetment is to be constructed?

If so, it would seem that the revetment is to be constructed primarily from and at the beach area. The effect would be that the applicant's revetment shifts boundaries demarcated by historically placed pins, to subsume public waterfront and beach area.

I oppose any de facto appropriation of crown or public land to exclusive private use.

I oppose the application unless revetment construction is reconciled with

(1) the applicant's property boundary at the top of the bank

(2) the need to maintain proper public access along and parallel to the water facing segment of applicant's property, both at high and low tide

The applicant owner himself indicated that the property pins are at the top of the bank. He said 23 July that that the public could continue access along the bank.

Connection to public access

If the applicant /landowner constructs an acceptable revetment on his property that connects to the Shasta Road public access road to the waterfront, the improved public access to the beach should be a ramp (not stairs); i.e. also a ..."surface suitable for carting personal watercraft", and potentially enabling wheelchair /disabled access. The applicant/owner agreed (23rd July).

Boulders at Shasta Road public access entrance

Large boulders placed at the Shasta Road entrance to public access road to the waterfront, should be moved to at least permit entry by machinery to periodically clear brush/blackberry bushes obstructing that access.

Sincerely,

David and Rita Mellard

From: Deborah blum

Sent: Monday, July 25, 2016 8:21 AM

Subject: Fw: Development Permit with Variance Application No. PL2016-089 June 23, 2016 1954 Shasta Road - construction of revetment Shoreline rip rap armour

I did not receive notice of the application to "reduce the setback to the sea to permit the construction of a rip rap type revetment on the subject property", and learned of it incidentally on 21 July.

I am directly affected, as are many others who do not reside within a "50 meter radius" that defines notice recipients.

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If so, it would seem that the revetment is to be constructed primarily from and at the beach area. The effect would be that the applicant's revetment shifts boundaries demarcated by historically placed pins, to subsume public waterfront and beach area.

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Sincerely Deborah L Blum