

**DATE:** November 28, 2019

**FILE:** 3120-20 / TUP 3C 19

**TO:** Chair and Directors  
Electoral Areas Services Committee

**FROM:** Russell Dyson  
Chief Administrative Officer

Supported by Russell Dyson  
Chief Administrative Officer

***R. Dyson***

**RE: Temporary Use Permit  
4627, 4635, 4639, 4745, 4749, 4751 and 4753 Forbidden Plateau Road (Griessel)  
Puntledge – Black Creek (Electoral Area C)  
Lot A, Township 9, Section 5, Comox District, Plan VIP80212,  
PID 026-537-206**

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### **Purpose**

To consider an application for a Temporary Use Permit (TUP) to allow Test and Tune events on the subject property (Appendix A). The application was heard by the Electoral Area Services Committee (EASC) on November 4, 2019 and deferred to the December 9, 2019 meeting.

### **Recommendation from the Chief Administrative Officer:**

THAT the board approve issuance of a Temporary Use Permit (TUP 3C 19) for three Test and Tune weekend events expiring on September 20, 2020 on property described as Lot A, Township 9, Section 5, Comox District, Plan VIP80212, PID 026-537-206 (4627, 4635, 4639, 4745, 4749, 4751 and 4753 Forbidden Plateau Road);

AND FINALLY THAT the board authorize the Corporate Legislative Officer to execute the Temporary Use Permit once the applicants have provided a written acknowledgement that the applicants have read, understood and agreed to the conditions of the permit.

### **Executive Summary**

- The application was deferred to the December 9, 2019 EASC meeting to give staff the opportunity to meet with the neighbours to discuss their concerns. The staff report that was received at the November 4, 2019 EASC meeting can be found in Appendix B.
- The VanIsle Airfield Society (VAS) has applied for a three year TUP to allow three private Test and Tune weekend events per year with the ability to reschedule within two weeks if the event had to be cancelled due to rain.
- On November 18, 2019, staff met separately with the applicants and four of the opposed neighbours to discuss the application.
- At the time of writing this report, eight letters have been received since the November 4, 2019 meeting, which are included on the agenda. Six letters are in opposition, one letter in support and one neutral letter with suggestions to staff.
- Two petitions representing both sides (for and against) were received. Staff is unable to verify the signatures on either petition or how the signatures were solicited.
- Staff took into consideration outstanding neighbour concerns, in particular, noise and fire safety.
- Staff followed up with the Courtenay Fire Department, which provides fire services to the subject property, to see if they had any additional comments. The existing aerodrome use carries a higher fire risk than test and tune activities. It was suggested that the applicants could prepare a fire safety site plan showing the location of the egress routes, fire extinguishers and fire water

truck(s), so the event organizers and participants are aware of the on-site fire protection resources. The draft TUP contains a condition that a fire safety site plan should be posted on-site in a visible location for the duration of the events.

- The use is inherently noisy and collecting data (e.g. decibel levels) on the level of noise will confirm just that. As such, the draft TUP focuses on reducing the frequency of noise (set hours), providing certainty on when noise will occur (set event dates with limited ability to re-schedule) and limits the number of cars per day.
- Neighbours expressed concern about the long-term intentions of VAS and the TUP renewal process. Technically, a TUP can only be renewed once prior to the expiry of the original TUP. A TUP renewal goes through the same process as a new TUP (i.e. requires approval from the board, adjacent neighbour letters, newspaper notice, etc). The board may impose new conditions not imposed by the original TUP or deny the request to renew the TUP. An application can be made for a new TUP for the same use. Whether an application for a renewal or new TUP, board approval is always required.
- All other staff recommendations detailed in the October 28, 2019 staff report remain.

Prepared by:

**B. Labute**

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Brianne Labute, RPP, MCIP  
Planning and Policy Analyst

Concurrence:

**T. Trieu**

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Ton Trieu, RPP, MCIP  
Manager of Planning Services

Concurrence:

**S. Smith**

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Scott Smith, RPP, MCIP  
General Manager of Planning  
and Development Services  
Branch

**Stakeholder Distribution (Upon Agenda Publication)**

Applicants	✓
Owners	✓

**Options**

The board may:

1. Approve the TUP as proposed by staff (Appendix A).
2. Approve the TUP, but vary the proposed conditions from the staff recommendation including, but not limited to, limiting each test and tune event to one day.
3. Defer the application and direct staff to make revisions.
4. Refuse the TUP.

Staff recommends Option 1.

**Citizen/Public Relations**

A notice of the proposed TUP was mailed to property owners and tenants within 100 metres of the subject property at least 10 days prior to the December 9, 2019, EASC meeting. Citizens have an opportunity to provide written comments or attend the EASC meeting to provide verbal comments.

Section 494 of the *Local Government Act* (RSBC, 2015, c. 1) requires the notice be published in the newspaper at least three days and not more than 14 days before the adoption of the resolution to issue the permit. Consequently, should the application advance to the December 17, 2019, board meeting for consideration of issuing the permit, the notice will be published sometime between December 3-13, 2019.

Attachments: Appendix A – “Temporary Use Permit - TUP 3C 19”  
Appendix B – “Staff report dated October 28, 2019”

**TUP 3C 19**

**TO:** John Kevin Richard Griessel

1. This Temporary Use Permit (TUP 3C 19) is issued subject to compliance with all of the bylaws of the Comox Valley Regional District applicable thereto, except as specifically varied or supplemented by this permit for the **purpose of hosting three private Test and Tune events.**

2. This Development Permit applies to, and only to, those lands within the Comox Valley Regional District described below:

**Legal Description:** Lot A, Township 9, Section 5, Comox District, Plan VIP80212

**Parcel Identifier (PID):** 026-537-206 **Folio:** 771 05733.300

**Civic Address:** 4627, 4635, 4639, 4745, 4749, 4751 and 4753 Forbidden Plateau Road

3. The land described herein (Schedule A) shall be used for the following temporary purposes in addition to those permitted by the zoning applicable to the property:

i. To host three private Test and Tune events, whereby the members of the VanIsle Airfield Association test and tune drag race vehicles and train new drivers and children in their junior program. Camping and food service (BBQs) are permitted provided they are subordinate to the vehicle testing activities. Drag racing for the purpose of competition is not permitted.

4. Conditions under which the temporary use must be carried out are as follows:

i. The dates the events may occur are May 22-24, July 10-12 and September 11-13, 2020 with the ability to reschedule only one of the three events due to rain. The rescheduled event may only take place on the following weekend after set dates (e.g. May 29-31);

ii. The event set up is to be in accordance with the site plan attached as Schedule B;

iii. The maximum number of vehicles that may participate in the event each day is 30;

iv. The vehicles may only be tested during the following hours:

a. Saturday: 10:00 am – 4:00 pm

b. Sunday: 10:30 am – 3:00 pm

v. Overnight camping is limited to the Friday and Saturday night of each event with a maximum of 15 temporary campsites (no more than 4 people per campsite);

vi. The event must remain private. Members of the public, who are not affiliated with VanIsle Airfield Society or one of their members may not attend the event. Event attendees must be identified with a wristband provided by the organizer;

vii. All egress routes must be kept clear at all times;

viii. All gates must be unlocked at all times;

- ix. Local and Provincial open air burning regulations must be adhered to;
- x. Fire extinguishers must be provided in areas where there is potential for a fire to occur;
- xi. A fire water truck must be available on site for the duration of the events;
- xii. A fire safety site plan must be posted in a visible location on the subject property for the duration of the events showing the location of egress routes, fire extinguishers and water truck(s) to ensure event organizers and participants are aware of the fire protection resources on-site;
- xiii. That a temporary food permit must be obtained from Island Health and provided to the CVRD prior to an event;
- xiv. That confirmation of first aid services for the duration of the car testing must be provided to the CVRD prior to an event;
- xv. Garbage receptacles, recycling bins and portable toilets must be available on-site for the duration of the events;
- xvi. Prior to permit issuance, proof of insurance, in a form and with an insurer acceptable to the CVRD, on the following terms, is required:
  - a. Commercial general liability of \$5,000,000 minimum per occurrence in Canadian funds;
  - b. The policy must include a cross liability clause;
  - c. The policy must name the Comox Valley Regional District as an additional named insured; and
  - d. The policy must require 30 days prior written notice of cancellation or material change.
- xvii. The applicant must provide a written undertaking in a form acceptable to the CVRD whereby the applicant agrees to indemnify and hold harmless the CVRD and its directors, officers, servants, agents, employees, contractors, subcontractors and others from and against all costs, losses, damages, compensation, claims, demands, actions, judgments and expenses, including actual legal expenses of every kind, description and nature whatsoever, in any way connected with or arising from the special event, in whole or in part, including but not limited to, any death or injury to persons or property loss or damage resulting from any acts or omissions of the applicant, its directors, officers, servants, agents, employees, contractors, subcontractors and others or that would not have occurred but for the use or occupation of the property by the applicant;
- xviii. The land shall be restored to the same or improved condition than prior to when the event has taken place;
- xix. CVRD bylaw enforcement officers are to be permitted to enter the subject property at all times throughout the event, including setup and cleanup, to ensure that all CVRD bylaws, regulations and permit conditions have been followed;
- xx. Compliance with all orders from CVRD staff in applying CVRD bylaws and permits;
- xxi. All costs and expenses incurred in meeting the requirements of this permit shall be borne by the applicant.

5. All terms and specifications referred to above are subject to any changes required by the officials of the CVRD where such terms and specifications do not comply with any duly enacted law or bylaw and such noncompliance is not specifically permitted by this Temporary Use Permit.
6. This Temporary Use Permit (TUP 3C 19) shall expire on September 20, 2020, being the last day the event may be held.
7. Renewal of this Temporary Use Permit (TUP 3C 19) will require an application to the Comox Valley Regional District Board prior to this permit expiry. Pursuant to the *Local Government Act* (RSBC, 2015, c. 1), a Temporary Use Permit can be only renewed once.
8. This Temporary Use Permit is **not** a Special Event Permit.
9. This Temporary Use Permit is **not** a Development Permit.
10. This Temporary Use Permit is **not** a Building Permit.

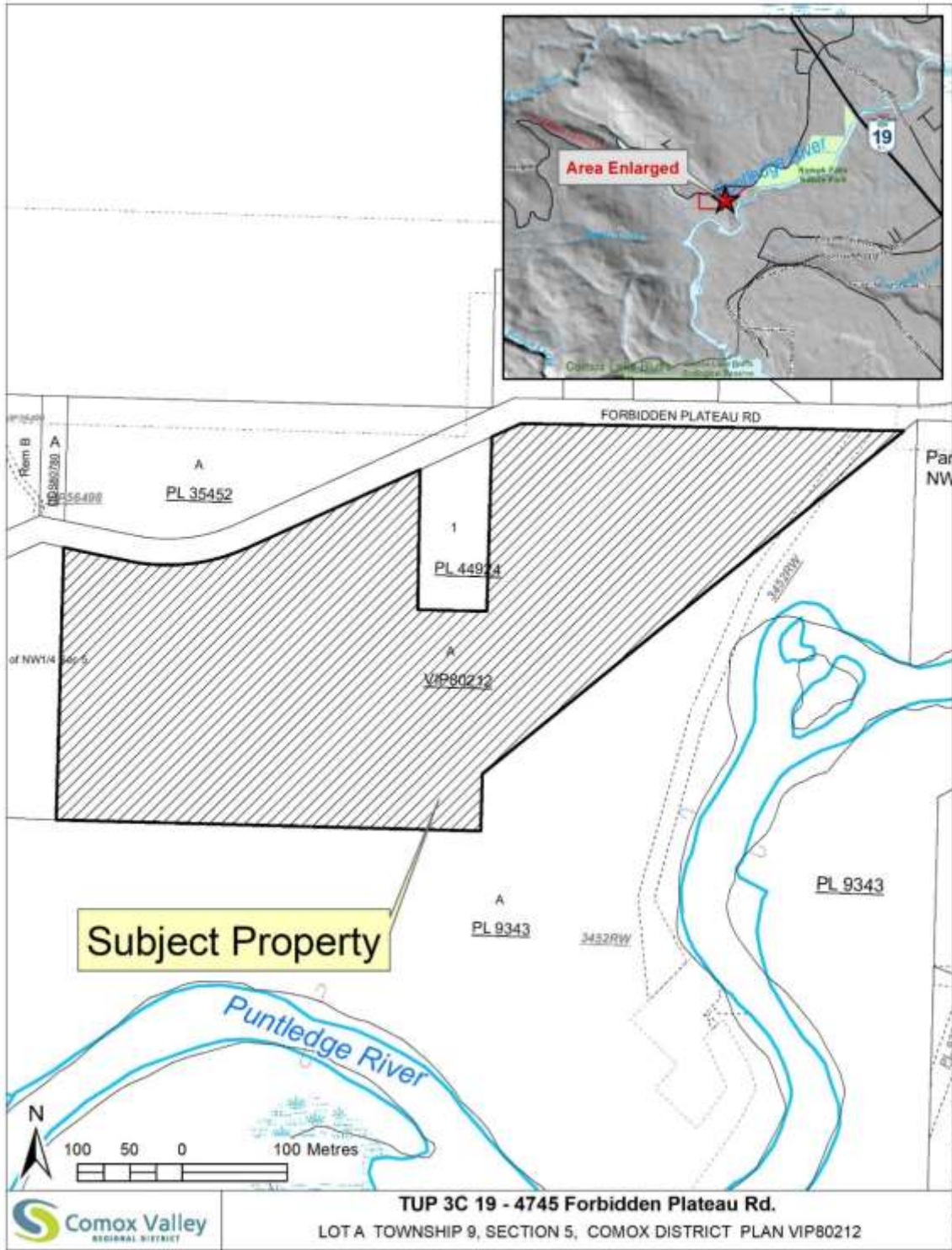
CERTIFIED as the **TEMPORARY USE PERMIT** issued by resolution of the board of the Comox Valley Regional District on \_\_\_\_\_.

\_\_\_\_\_  
James Warren  
Corporate Legislative Officer

Certified on \_\_\_\_\_

Attachments: Schedule A – “Subject Property Map  
Schedule B – “Site Plan”

# Schedule A Subject Property Map



## Schedule B Site Plan





## Staff Report

**DATE:** October 28, 2019

**FILE:** 3120-20 / TUP 3C 19

**TO:** Chair and Directors  
Electoral Areas Services Committee

**FROM:** Russell Dyson  
Chief Administrative Officer

Supported by Russell Dyson  
Chief Administrative Officer

*R. Dyson*

**RE: Temporary Use Permit  
4627, 4635, 4639, 4745, 4749, 4751 and 4753 Forbidden Plateau Road (Griessel)  
Puntledge – Black Creek (Electoral Area C)  
Lot A, Township 9, Section 5, Comox District, Plan VIP80212,  
PID 026-537-206**

### Purpose

To consider a Temporary Use Permit (TUP) to allow Test and Tune events on the subject property (Appendix A).

### Recommendation from the Chief Administrative Officer:

THAT the board approve issuance of a Temporary Use Permit (TUP 3C 19) for three Test and Tune weekend events expiring on September 20, 2020 on property described as Lot A, Township 9, Section 5, Comox District, Plan VIP80212, PID 026-537-206 (4627, 4635, 4639, 4745, 4749, 4751 and 4753 Forbidden Plateau Road);

AND FINALLY THAT the board authorize the Corporate Legislative Officer to execute the Temporary Use Permit once the applicants have provided a written acknowledgement that the applicants have read, understood and agreed to the conditions of the permit.

### Executive Summary

- The VanIsle Airfield Society (VAS) has applied for a TUP to allow three private Test and Tune weekend events per year, for a period of three years.
- The subject property is 17.3 hectares in size and contains a federally regulated private aerodrome with a paved airstrip approximately 365 metres in length.
- The purpose of the events is for VAS members to evaluate and improve the performance of their vehicles prior to participating in drag racing events across the Province. The proposed events also include BBQs, camping (Friday and Saturday night) and training new drivers and children in their junior program. It is not a drag racing event where vehicles compete against each other.
- The applicants propose May 22-24, July 10-12 and September 11-13, 2020 as the event dates with the ability to reschedule within two weeks if the event had to be cancelled due to rain. The hours of vehicle testing would be limited to 10:00 am - 4:00 pm Saturday and 10:30 am – 3:00 pm Sunday.
- Staff recognize that Test and Tune events create unavoidable noise that impacts the adjacent neighbours. Staff also recognize that it is difficult to find an alternative location for these events within the Comox Valley. Issuance of a TUP has the benefit of allowing the Comox Valley Regional District (CVRD) to include and enforce conditions that mitigate some of the disruptive



effects on adjacent neighbours such as frequency and timing of events, hours of vehicle testing and number of vehicles.

- Staff recommend only one of the three events may be rescheduled due to rain to the following weekend in order to provide more certainty to the neighbours.
- The draft TUP conditions address liability, insurance, safe egress and fire safety. The recommended expiry date is September 20, 2020 (for three events) rather than the requested three year duration.
- While staff recommend the above, an alternate option would be to limit the vehicle testing to one day per event with no ability to reschedule.

Prepared by:

***B. Labute***

Brianne Labute, RPP, MCIP  
Planner

Concurrence:

***T. Trieu***

Ton Trieu, RPP, MCIP  
Manager of Planning Services

Concurrence:

***S. Smith***

Scott Smith, RPP, MCIP  
General Manager of Planning and  
Development Services Branch

### Stakeholder Distribution (Upon Agenda Publication)

Applicants	✓
Owner	✓

### Background/Current Situation

An application has been received to consider a TUP at 4627, 4635, 4639, 4745, 4749, 4751 and 4753 Forbidden Plateau Road in Electoral Area C (Puntledge – Black Creek) (Figures 1 and 2). The subject property is 17.3 hectares in size and contains a federally regulated private aerodrome with an approximately 365 metre paved airstrip. It is surrounded by a rural residential lot to the west, Forbidden Plateau Road to the north and forested BC Hydro lands to the east and south.

The VAS has previously held Test and Test events on the property. The CVRD Bylaw Compliance department received a number of complaints about the events mostly in relation to the noise. After a thorough review, planning staff determined that drag racing (or similar use) is not permitted in the Rural Twenty (RU-20) zone. The property owner was notified that in order to proceed with the events, a TUP would be required. The VAS has applied for a TUP to allow three private Test and Tune events annually, for a period of three years (the maximum time period a TUP can be issued). Test and Tune events would allow society members to evaluate their vehicles prior to participating in drag racing events around the Province. The proposed events also include BBQs, camping and training new drivers and children in their junior program. It is not a drag racing event where vehicles compete against each other. Current membership of VAS is approximately 50 vehicle owners. The private events would run from Friday - Sunday and have attendance of around 100 people each day (usually 20-25 vehicles). Approximately 15 campsites would be established for overnight stays (two to four people per campsite).

Initially, the applicants requested flexible event dates between April 1 and October 31 each year, no more than three events per year, no less than five weeks apart and not on long weekends. The flexibility would allow them to reschedule if the event had to be cancelled due to rain, which is a safety concern. Responding to staff concerns about the lack of certainty for adjacent neighbours, the applicants identified three weekends and requested the ability to reschedule within 2 weeks if the event was cancelled due to rain. The applicants' temporary use proposal, dated August 8, 2019 and supplementary letter, dated September 10, 2019 (Appendix B and C) further describe the proposed events. The site plan showing the layout of activities can be found in Figure 3.

## Planning Analysis

### Official Community Plan Analysis

Bylaw No. 337, being the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014” (OCP) designates the subject property within Rural Settlement Area (RSA). The RSA designation enables the use of a TUP to permit temporary uses. The OCP does not specifically contemplate special events or drag racing. There are broader policies around the importance of active recreational pursuits to the local economy and that tourism should be encouraged within the Comox Valley. Staff confirmed that the subject property is outside of the Comox Lake Watershed, so policies on uses to protect the drinking water quality and environment of the Comox Lake Watershed are not applicable.

### Zoning Bylaw Analysis

The property is zoned Rural Twenty (RU-20) in Bylaw No. 520, being the “Comox Valley Zoning Bylaw, 2019” (Appendix D). The RU-20 zone does not permit drag racing (or similar use) or allow for special events. Therefore, a TUP is required.

### Noise Bylaw Analysis

Bylaw No. 102, being the “Electoral Areas Noise Control Regulations Bylaw No. 102, 2010,” applies restricting the hours of noise on the property. Motor vehicles, other than on a highway or other place intended for its operation, can be operated between 8:00 am - 9:00 pm. The proposed Test and Tune events are consistent with the noise bylaw. The noise bylaw does not regulate decibel levels.

### Temporary Use Permit

A TUP allows a land use, on an identified property, which is not otherwise permitted in the property’s zone for a specific amount of time. That specified time may be up to a maximum of three years and the property owner may apply for a renewal before the lapse of the permit. A TUP may specify conditions under which the temporary use must abide, such as the scale of use, duration, etc.

While rural lands allow for residential use, they also host potentially disruptive uses such as logging, dog kennels, agriculture, gravel extraction and sawmills (all permitted in RU-20 zone, depending on lot size). Testing drag race vehicles is also disruptive and the noise is difficult to mitigate. Staff recognize the subject property is unique due to the paved airstrip and owner’s willingness to host the VAS. It appears to be difficult to find an alternative location within the CVRD that is safe for vehicle testing. Issuance of a TUP has the benefit of allowing the CVRD to include and enforce conditions that mitigate some of the disruptive effects on adjacent neighbours such as frequency and timing of events, hours of vehicle testing, number of vehicles, etc. Staff reviewed the applicants’ request and support issuing a TUP, but recommend the following changes and conditions.

	<b>Request from applicants</b>	<b>Staff recommendation</b>	<b>Rationale</b>
<b>Event Dates</b>	May 23-24, July 11-12 and September 12-13 with the ability to reschedule within 2 weeks if the event was cancelled due to rain.	Include Friday night camping in event dates. No vehicle testing permitted on the Friday.  May 22-24, July 10-12 and September 11-13 with the ability to reschedule <u>only one</u> of the three events due to rain. The rescheduled event may only take place on the following weekend after the set dates (e.g. May 29-31).	Set dates, with limited flexibility to reschedule, provides some certainty to neighbours who are impacted by the noise of the events.

<b>Duration of TUP</b>	Three years (three events per year)	Permit expiry September 20, 2020 to allow for three events only.	Issuing the TUP for a shorter duration will serve as a trial. The TUP renewal process would provide the opportunity to evaluate the impact of the events (operated in accordance with the TUP, rather than without proper approvals).
<b>Number of vehicles participating in event per day</b>	No maximum requested, suggested it is usually 20-25 vehicles. VAS membership is approximately 50 vehicle owners.	A maximum of 30 vehicles.	Limiting the number of vehicles keeps the events small scale.
<b>Number of temporary campsites</b>	No maximum requested, suggested no more than 15 campsites (with 2-4 people per site).	A maximum of 15 campsites.	Limiting the number of overnight campers vehicles keep evening noise levels to a minimum (noise bylaw also applies)
<b>Hours of vehicle operation</b>	No set times requested, described the typical weekends hours as 10:00 am - 4:00 pm Saturday 10:30 am – 3:00 pm Sunday	Set hours for vehicle operation from 10:00 am - 4:00 pm Saturday 10:30 am – 3:00 pm Sunday (no exceptions for weather)	To provide increased certainty to neighbours.

In addition to the conditions described in the table above, staff recommend the TUP contain conditions relating to liability insurance, safe egress and fire safety (Appendix A).

The Board Approved Policy on Temporary Use Permits (Policy Reference 3120-00), notes that the board can request post monitoring reports or financial security (Appendix E). As the events do not require any structures or land alteration, staff do not recommend requiring a security deposit. As the use is intended to be temporary, the draft permit contains a condition that no land alteration or improvements are permitted that are solely for the purpose of hosting Test and Tune events. Policy 3120-00 requires the applicants to sign an acknowledgement of the permit conditions prior to the permit's registration on title. Staff recommend this requirement is fulfilled prior to permit issuance.

#### *Alternative Option*

An alternative approach would be to further restrict the events. The same parameters as above would apply, but the vehicle testing could be limited to one day per event (Saturday) with no option to reschedule due to poor weather. Staff do not recommend this option at this time. Should the TUP be issued, it will serve as a one year trial. An application for renewal would allow staff to evaluate past events and potentially recommend further restriction or refusal.

**Policy Analysis**

Section 493 of the *Local Government Act* (RSBC, 2015, c. 1) (LGA) enables a local government to issue a TUP to allow a use not otherwise permitted in a particular zone. The board can establish conditions under which the use be carried on and, as a condition of permit issuance, may require the land owner to restore land to a condition specified in the permit by a date specified in the permit. Policy 47(1) of the OCP enables the CVRD to consider applications for TUPs within the RSA.

**Options**

The board may:

1. Approve the TUP as proposed by staff.
2. Approve the alternate option (only one day of vehicle testing per event with no ability to reschedule due to weather) as proposed by staff.
3. Defer the application and direct staff to make revisions.
4. Refuse the TUP.

Based on the analysis above, staff recommends Option 1.

**Financial Factors**

In accordance with Bylaw No. 328 being the “Comox Valley Regional District Planning Procedures and Fees Bylaw No. 328, 2014”, applicable fees have been collected for the TUP application. This fee covers the costs of public notification via adjacent owner letters and a newspaper ad prior to the November 26, 2019 CVRD Board meeting.

**Legal Factors**

This report and the recommendation contained herein are in compliance with the LGA and CVRD bylaws.

**Regional Growth Strategy Implications**

Bylaw No. 120, being the “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010” designates the subject property within RSA. The proposed events may create spin-off tourism opportunities and promote the use of surrounding parks and recreation areas, which relate to Supporting Policy 3B-9.

**Intergovernmental Factors**

At the request of staff, the applicants contacted the Courtenay Fire Department, Island Health, a First Aid Provider and the RCMP (Appendix F). The Deputy Fire Chief of the Courtenay Fire Department commented that they had no concerns provided the fire accesses remained open, local and provincial open air burning regulations are followed and they recommend fire extinguishers be provided in areas where there is potential for a fire to occur. The RCMP commented that there has been no prior negative contact with the events and no concerns arising with future events at this time. Island Health requested more information about potable water and handwashing stations. In addition, they confirmed an Island Health temporary food permit is required. The applicants have not yet confirmed who the first aid provider will be. Staff recommend the permit contain a condition that a copy of the Island Health approval and confirmation of first aid services must be provided to the CVRD prior to an event.

**Interdepartmental Involvement**

This TUP application was circulated to relevant departments within the CVRD for comment. The emergency services department expressed some concerns about potential fire hazards. The VAS confirmed they have a water truck and fire extinguishers available on site. The bylaw compliance department has received several bylaw complaints associated with the use and after a full review it

was determined the use was not lawful, which triggered the need for a TUP. Concerns raised by complainants have been in regard to the noise. While noise cannot be eliminated, the TUP conditions were created to minimize the disruption.

### **Citizen/Public Relations**

The Advisory Planning Commission (APC) reviewed the application at its September 19, 2019 meeting. The APC was in support of the application and recommended the applicants connect with the Forbidden Plateau Residents' Association to provide information about their proposed event and work through any additional concerns. The minutes from the meeting will be forwarded to the Electoral Areas Services Committee (EASC). The applicants attended the Forbidden Plateau Residents' Association meeting on October 20, 2019.

A notice of the proposed TUP was mailed to property owners and tenants within 100 metres of the subject property at least 10 days prior to the November 4, 2019, EASC meeting. Citizens have an opportunity to provide written comments or attend the EASC meeting to provide verbal comments.

Section 494 of the LGA requires the notice be published in the newspaper at least three days and not more than 14 days before the adoption of the resolution to issue the permit. Consequently, should the application advance to the November 26, 2019, board meeting for consideration of issuing the permit, the notice will be published sometime between November 12 - 22, 2019.

Attachments: Appendix A – “Draft Temporary Use Permit – TUP 3C 19”  
Appendix B – “Temporary Use Proposal, dated August 8, 2019”  
Appendix C – “Supplementary Information, dated September 10, 2019”  
Appendix D - “RU-20 Zone”  
Appendix E – “Board Policy – Temporary Use Permits”  
Appendix F – “Responses from agencies”

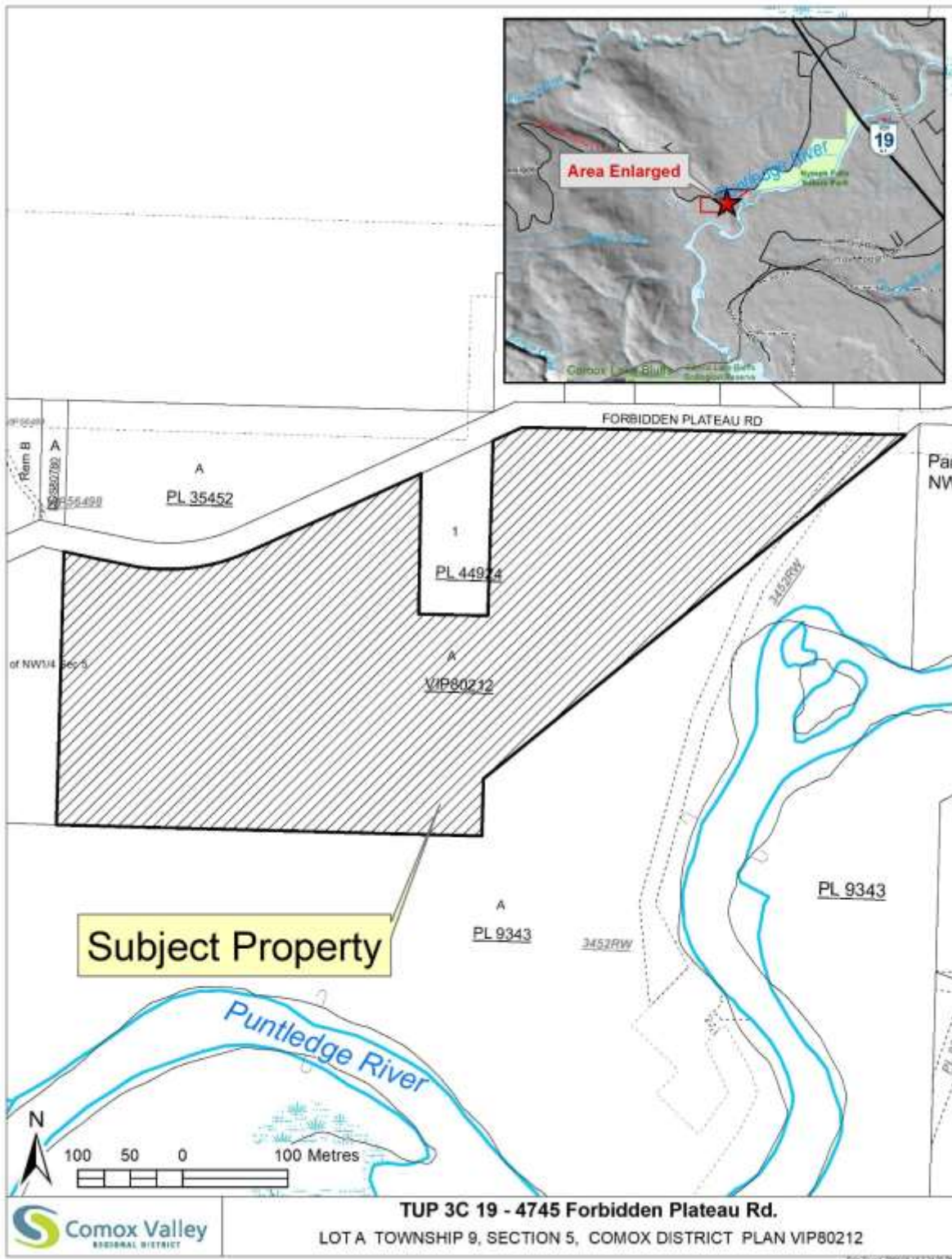


Figure 1: Subject Property Map



Figure 2: Aerial Photo



Figure 3: Site Plan, as Submitted by Applicants





Appendix A  
Temporary Use  
Development Permit

**TUP 3C 19**

**TO:** John Kevin Richard Griessel

1. This Temporary Use Permit (TUP 3C 19) is issued subject to compliance with all of the bylaws of the Comox Valley Regional District applicable thereto, except as specifically varied or supplemented by this permit for the **purpose of hosting three private Test and Tune events.**

2. This Development Permit applies to, and only to, those lands within the Comox Valley Regional District described below:

**Legal Description:** Lot A, Township 9, Section 5, Comox District, Plan VIP80212

**Parcel Identifier (PID):** 026-537-206 **Folio:** 77105733.300

**Civic Address:** 4627, 4635, 4639, 4745, 4749, 4751 and 4753 Forbidden Plateau Road

3. The land described herein (Schedule A) shall be used for the following temporary purposes in addition to those permitted by the zoning applicable to the property:

i. To host three private Test and Tune events, whereby the members of the VanIsle Airfield Association test and tune drag race vehicles and train new drivers and children in their junior program. Camping and food service (BBQs) are permitted provided they are subordinate to the vehicle testing activities. Drag racing for the purpose of competition is not permitted.

4. Conditions under which the temporary use must be carried out are as follows:

i. The dates the events may occur are May 22-24, July 10-12 and September 11-13, 2020 with the ability to reschedule only one of the three events due to rain. The rescheduled event may only take place on the following weekend after set dates (e.g. May 29-31);

ii. The event set up is to be in accordance with the site plan attached as Schedule B;

iii. The maximum number of vehicles that may participate in the event each day is 30;

iv. The vehicles may only be tested during the following hours:

a. Saturday: 10:00 am – 4:00 pm

b. Sunday: 10:30 am – 3:00 pm

v. Overnight camping is limited to the Friday and Saturday night of each event with a maximum of 15 temporary campsites (no more than 4 people per campsite);

vi. The event must remain private. Members of the public, who are not affiliated with VanIsle Airfield Society or one of their members may not attend the event. Event attendees must be identified with a wristband provided by the organizer;

vii. All egress routes must be kept clear at all times;

viii. All gates must be unlocked at all times;

- ix. Local and Provincial open air burning regulations must be adhered to;
  - x. Fire extinguishers must be provided in areas where there is potential for a fire to occur;
  - xi. That a temporary food permit must be obtained from Island Health and provided to the Comox Valley Regional District (CVRD) prior to an event;
  - xii. That confirmation of first aid services for the duration of the car testing must be provided to the CVRD prior to an event;
  - xiii. Garbage receptacles, recycling bins and portable toilets must be available on-site for the duration of the events;
  - xiv. Prior to permit issuance, proof of insurance, in a form and with an insurer acceptable to the CVRD, on the following terms, is required:
    - a. Commercial general liability of \$5,000,000 minimum per occurrence in Canadian funds;
    - b. The policy must include a cross liability clause;
    - c. The policy must name the Comox Valley Regional District as an additional named insured; and
    - d. The policy must require 30 days prior written notice of cancellation or material change.
  - xv. The applicant must provide a written undertaking in a form acceptable to the CVRD whereby the applicant agrees to indemnify and hold harmless the CVRD and its directors, officers, servants, agents, employees, contractors, subcontractors and others from and against all costs, losses, damages, compensation, claims, demands, actions, judgments and expenses, including actual legal expenses of every kind, description and nature whatsoever, in any way connected with or arising from the special event, in whole or in part, including but not limited to, any death or injury to persons or property loss or damage resulting from any acts or omissions of the applicant, its directors, officers, servants, agents, employees, contractors, subcontractors and others or that would not have occurred but for the use or occupation of the property by the applicant;
  - xvi. The land shall be restored to the same or improved condition than prior to when the event has taken place;
  - xvii. CVRD bylaw enforcement officers are to be permitted to enter the subject property at all times throughout the event, including setup and cleanup, to ensure that all CVRD bylaws, regulations and permit conditions have been followed;
  - xviii. Compliance with all orders from CVRD staff in applying CVRD bylaws and permits;
  - xix. All costs and expenses incurred in meeting the requirements of this permit shall be borne by the applicant.
5. All terms and specifications referred to above are subject to any changes required by the officials of the CVRD where such terms and specifications do not comply with any duly enacted law or bylaw and such noncompliance is not specifically permitted by this Temporary Use Permit.
  6. This Temporary Use Permit (TUP 3C 19) shall expire on September 20, 2020, being the last

day the event may be held.

- 7. Renewal of this Temporary Use Permit (TUP 3C 19) will require an application to the Comox Valley Regional District Board prior to this permit expiry. Pursuant to the *Local Government Act* (RSBC, 2015, c. 1), a Temporary Use Permit can be only renewed once.
- 8. This Temporary Use Permit is **not** a Special Event Permit.
- 9. This Temporary Use Permit is **not** a Development Permit.
- 10. This Temporary Use Permit is **not** a Building Permit.

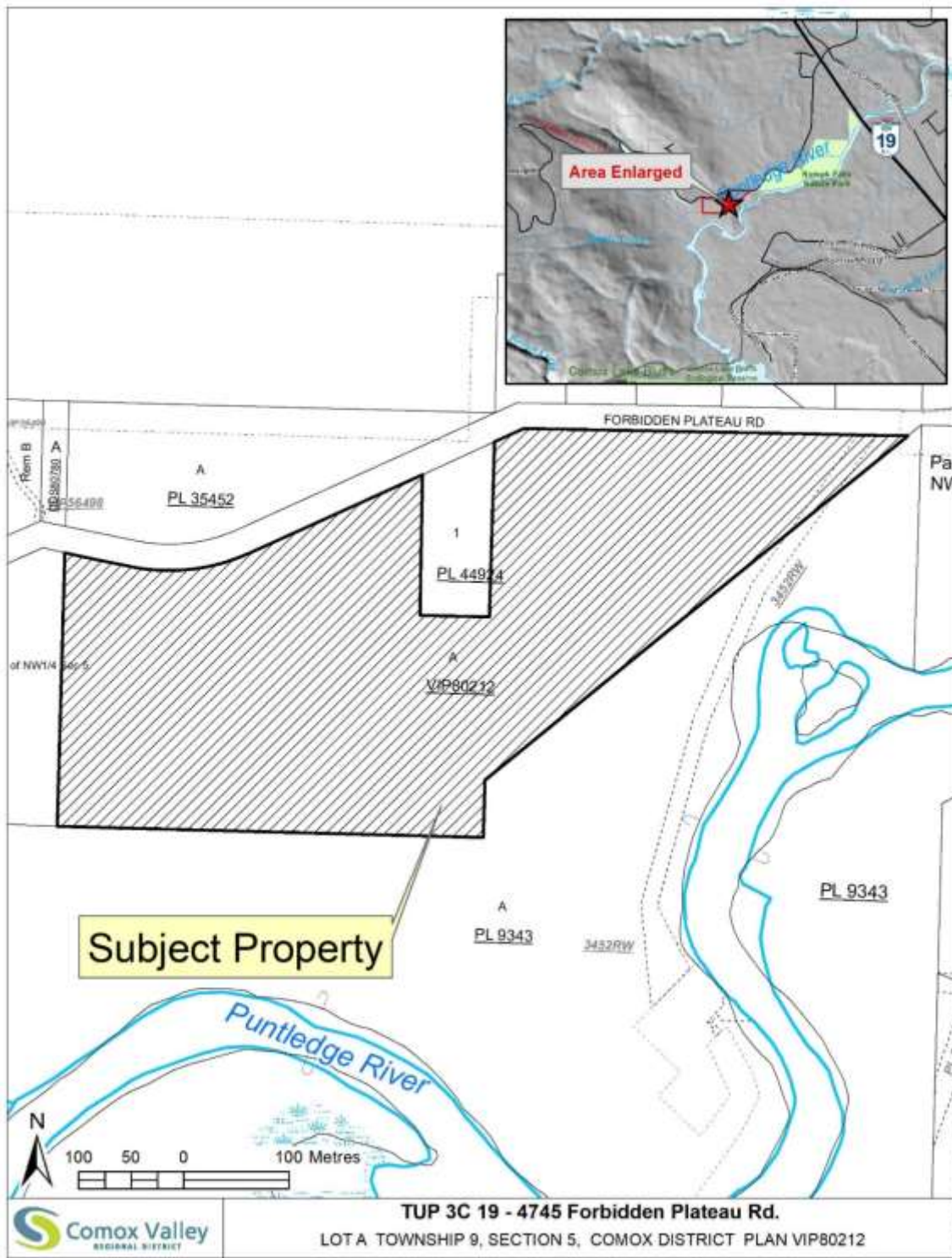
CERTIFIED as the **TEMPORARY USE PERMIT** issued by resolution of the board of the Comox Valley Regional District on \_\_\_\_\_.

\_\_\_\_\_  
 James Warren  
 Corporate Legislative Officer

Certified on \_\_\_\_\_

Attachments: Schedule A – “Subject Property Map  
Schedule B – “Site Plan”

# Schedule A Subject Property Map



### Schedule B Site Plan



## Temporary Use Permit Application August 8th 2019

Current use of the subject property is as per current zoning.

Proposed use is as follows:

We are VANISLE AIRFIELD SOCIETY INC, we were formed and are member funded in order to properly provide Insurance for our events and cover the costs of operating. There are many expenses involved in what we do, examples include but are not limited to purchasing traction compound and the timing and lighting system and of course the Insurance as mentioned above. Our membership consists of a network of friends/families and our current numbers are not more than 50 car owners (typically 20-25 cars show up) the rest are friends and family who help out and volunteer. History shows us that typically with car owners, crew and family members' attendance is about 100 people total each day. Many of our members have longstanding personal friendships with the owners of the Subject property. We have no intent to increase membership with regard to number of car owners and plan to keep private as opposed to public events. If the neighbors wish to come and see what we are about we would love to have them as guests for sure, a waiver is required to be signed by all who attend and we issue wrist bands so that our members and the property owners know the individual is welcome to be present.

One of the very important activities we do on these weekends is raise funds for charities, our membership is keen on Service in the Community and during each day we take time out for fundraising activities. such as 50/50 draws and the lunch BBQ is also a fundraiser. To date, over the course of two events we have raised approx. 10,000 \$ for Comox Valley Hospice and the Help Fill A Dream Foundation. This fundraising has a direct positive effect on families in our community.

We seek to use this property for up to three weekends per calendar year for the private use of our club to raise money for charity, by running run test n tunes on our hot rods BBQs and camping. We test cars to assess changes we've made mechanically that may affect the performance of our cars. We also test to ensure we have a serviceable vehicle prior to heading to a race so we are not spending money travelling to a race with a broken car that we weren't aware of. In addition to test n tunes we use this time to train new drivers and kids in our junior program how to safely operate their cars and school them in using the lighting and timing systems. It is imperative that we have a safe place to teach our youngsters about the safety of driving these types of cars, the mechanics of the cars and to provide them a space to become involved with the aspects of being at a real race without the pressure of a real race.

We follow the NHRA rules that govern our sport nationally (North America) with regard to safety requirements of vehicles and apparel. An example of this is Kids on wheels; children under the age of 16 are not allowed to ride or drive anything with wheels while there are cars moving around, unless they are in the junior program and accompanied by an adult. Safety is paramount. Our volunteers wear safety vests so that members and guests, if applicable; example neighbors, know who to go to if they have any questions.

The time line for these weekends we are requesting would be between April 1<sup>st</sup> and October 31<sup>st</sup> Annually; this request is for three year duration. We request that our weekends be NO LESS than 5 weeks apart and DO NOT fall on long weekends in order that there is no disturbance to the neighbors or

## Temporary Use Permit Application August 8th 2019

the parks on the long weekends (typically our test n tune dates would predate a race in Port McNeil and/or Mission). We would plan tentative dates/weekends at the beginning of the season and inform the neighbors and Forbidden Plateau Residents Association once we have our dates set. We would inform the neighbors at the beginning of the season of our intended dates; April 1<sup>st</sup> for example we could have our dates set and posted in a central location where the neighbors can see it such as the mailbox, and in the case there may be a neighbor or two who do not wish to be around it gives them time to plan their weekends well in advance. If the neighbors wish to be notified by email we could certainly gather their information and do that at the beginning of the season and two weeks in advance of the scheduled date.

The reason that we request a time range as opposed to specific weekends is in the event that our gathering is rained out, we may have the opportunity to move it to another weekend. If we specify dates in the formal application we are bound to them with zero flexibility which means we could lose one or potentially all weekends to weather. The likelihood is not huge but the possibility is present. In short we would stick to the dates that we plan at the beginning of the season "weather permitting". We cannot operate in the rain for safety concerns; there would be zero traction on the concrete surface which would make what we do impossible and dangerous.

The facility at this property is the only one of its kind in the vicinity that suits requirements for this purpose. It is rural and has a 1200 ft concrete airstrip so that we can run and record data (through the light and timing system) for the launch, 60 foot times and 330 foot times leaving a safe area to shut down and bring the cars to a walking speed before the end of the concrete surface. The acreage allows room for camping and camaraderie after we are done running the cars. We BBQ and Camp out, most of us have campers and motor homes. Typically those who camp out are members from out of town and some local volunteers. We do not make real campfires we use propane campfires or sit around the woodstove at the hangar and chit chat and tell stories into the evening. There are BBQ's available at the Hangar as well so we can get together for dinner and of course allows us to do a fundraising BBQ at lunch time each day.

Camping is typically and we hope it will continue to be at the end of the runway that is still grass, we park cars, trailers and motorhomes along the edge of both sides at the very end of the runway. I suggest that at most there would be 15 campsites per weekend. It has never been 15 but we would like to be sure we are not limited to too few, usually there are 6 "campsites" if you will, with 2-4 persons per campsite. The property provides for the necessity to "camp with our cars", for example; you wouldn't go to a dog show and leave your dog there and camp somewhere else. We get that our cars are not living beings like dogs are, however, they are investments and for security reasons we need to be there onsite with them. Our members have a lot of money invested in the cars that we/they run and to leave them out in the countryside with no security could cause an irreplaceable loss for many as they do not carry average car insurance. And honestly its part and parcel of the camaraderie part of the gathering. I would also like to clarify that when camping we are not in any way near the waters' edge of the adjacent water way. Individuals in the club will use the existing public trails and accesses when using the park areas over the weekend.

## Temporary Use Permit Application August 8th 2019

The surrounding roads would not be impacted negatively during our weekend events as there is ample parking for all vehicles and camping onsite.

I will describe a typical weekend:

Friday evening we welcome club members and invited guests to the property to set up camping area, put out garbage cans and recycle bins, put up lights and timing systems for Saturday, porta potties arrive as well, typically three, two in the camping area and one down at the staging area where the timing truck is.

We do not run up the cars at all on Friday evening except to unload them from the trailers and I would like to note that when we chose the time frames to run each day that we fully took into consideration the neighborhood, and we chose these time frames out of pure respect for the neighbors.

Saturday Morning we welcome new arrivals that didn't come in the night before and have a drivers meeting at 0900 to explain the safety and procedures with regard to running the cars in the test n tune.

In order to run we make sure we have a level 3 first aider at minimum as well as first Aid Kit, it is our intent to approach St Johns Ambulance to request their presence at our events and inform the Courtenay and Cumberland Fire Hall of our activities. We have a water truck and several fire extinguishers available and strategically place throughout the area.

After the meeting we begin running the cars at 1000 and take lunch break at 1230 for a fundraising BBQ (we sell burgers and hot dogs to the members and their families for whichever charity is chosen for that weekend event) until 1330 where we resume running cars until 1600. Once we have finished running for the day some members go home and some remain on the property for camping, visiting, BBQ and enjoy the Nymph Falls Park trails and swimming holes.

Sunday Morning we have basically the same schedule as Saturday, however we don't fire up the cars until 1030 and we finish at 1500. We do a second fundraising BBQ for lunch as well as 50/50 draws for the chosen charity. We are cleaned up and off the property by approximately 1700 Sunday and we leave no negative footprint environmentally or otherwise.

As mentioned above, both days we run 50/50 draws along with the BBQ fundraiser. We have raised approx. 10,000\$ in the two weekends we had run previously for Comox Valley Hospice Society and Help Fill A Dream Foundation directly having a positive impact in our community. We would be open to choosing a charity that the neighborhood supports for one of our fundraisers.

Once again, we would propose that the three weekends per year fall between April 1<sup>st</sup> and October 31, be not less than 5 weeks apart and not fall on a long weekend in order that there is zero disturbance to the neighborhood and parks on a holiday long weekend.

Best Regards, On Behalf of VANISLE AIRFIELD SOCIETY, Tania Woodbeck



**VANISLE AIRFIELD SOCIETY INC**

Ms. Brianne Labute and Mr. Ton Trieu:

File:

SEP 10 2019

In response to your email following the site visit we have composed a Supplement Letter to attach to our application to address several of the points we talked about at the property. **To:**

**SAFETY PROTOCOLS****CC:**

While cars are testing the following procedures are followed:

- No persons are allowed alongside the hard surface of the runway, this is monitored with volunteer club members at the end of the concrete surface, the volunteers have communication with personnel at the start line so that if there is an incursion they can stop operations immediately. People walking back and forth from the staging area at the start line to the other end of the hard surface must travel on the outside of the berm, the berm is quite tall and has been built to mitigate noise issues and provide a safe path to and from the staging area.
- Any person entering the property will check in with a club representative at the Airplane Hangar where they are required to sign a waiver and to put on a wristband. Any persons not wearing a wristband on the property will be asked to comply or exit the property immediately. The wristbands are issued in 3 colours, one colour specifically for drivers, a second colour for crew and volunteers and a 3<sup>rd</sup> colour to identify those friends and family members attending and these wrist bands would indicate these individuals must avoid the staging area and the runway side of the berm.
- Volunteers are placed at perimeter locations where the public may be able to enter to stop trespassing. The fact that we have done this a couple of times has allowed us to identify the trouble spots.

**KEEPING EVENTS SMALL AND PRIVATE**

There has been much worry about this turning into something much bigger than it is, we would like to stress the following:

- As a club we have had two events at this venue and at that it requires a good deal of preparation and planning. The events have been none other than perfect and no one in our group has the desire to make this anymore than it is, we guarantee that there will never be more than 50 Cars at an event. The property owners, their families and all of our members wish to keep this small, intimate and uncomplicated. We do not wish to race or host any races here or make it in anyway public; we have opportunity to "race" at other venues.
- The main purpose of the test n tunes is to gather together, test cars to be sure we know what we have when we attend the race and raise some money for local charities at our BBQ's. We do not want to be organizing and planning anything more than what we have previously done.

**VANISLE AIRFIELD SOCIETY INC**

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**WEEKEND DATES REQUESTED FOR 2020**

We are requesting the following dates with rain dates to be within two weeks of the rain out:

- May 23 and 24, July 11 and 12 and September 12 and 13
- The reasons behind the dates we have chosen are very directly related to the least impact to the neighborhood. We do not wish conflict with Snow to Surf and we have avoided any long weekends.

**JUSTIFICATION FOR 3 EVENTS ANNUALLY**

There are a few reasons that we require 3 events in a year:

- The cost of insurance, traction compound, timing system and safety equipment is immense and as we are member funded the members cover these costs. If we are permitted only one or two events we will lose membership and will not be able to operate at all.
- There is no other location to do what we wish to do in this application. Port McNeill events are 3 hours away, they are strictly racing no test n tune time. Saratoga Speedway is for sale, they do not have a timing system and there is a dip at the end of their race surface that many cars cannot navigate. Victoria also does strictly racing and as in the case McNeill is several hours away.

We have done our best to address the items in the email regarding the follow up. Communications with the agencies listed such as Island Health, RCMP, First Aid and Courtenay Fire Services and other items that require action will follow.

Best Regards

Tania Woodbeck, Ken Pederson

VanIsle Airfield Society

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**Rural Twenty (RU-20)****1. PRINCIPAL USE**

- i) **On any lot or portion of any lot zoned Rural Twenty (RU-20) only the following principal uses are permitted:**
- a) Agricultural use;
  - b) Fish Hatcheries;
  - c) Residential use;
  - d) Garden nurseries;
  - e) Vet clinics;
  - f) Silviculture.
- ii) **On any lot 2.0 hectares (4.9 acres) or larger:**
- a) Animal kennels;
  - b) Riding academy.
- iii) **On any lot 4.0 hectares (9.9 acres) or larger:**
- a) Wood processing;
  - b) Sawmills including portable sawmills;
  - c) Gravel, mineral or peat extractions, gravel crushing and screening, but no manufacturing or sales of concrete or concrete products.
- iv) **On any lot 4.0 hectares or larger and which is classified as private managed forest land or farm pursuant to the *Assessment Act* or is within a licensed area under the *Forest Act*:**
- a) Research and teaching facility;
  - b) Rural resource centre to a maximum floor area of 300.0 square metres.

**2. ACCESSORY USES**

**On any lot or portion of any lot zoned RU-20 only the following accessory uses are permitted:**

- i) Accessory buildings;
- ii) Bed and breakfast;
- iii) Home occupations;
- iv) Domestic business;
- v) Domestic industrial use; and
- vi) Retail and wholesale sales of agricultural and forestry products to a maximum floor area of 100.0 square metres (1076.4 square feet).

**3. CONDITIONS OF USE**

**Wood processing, gravel, sand and mineral extraction (including crushing and screening of aggregate extracted onsite), research and teaching facilities, and rural resource centres shall be subject to the following conditions:**

- i) A minimum setback of 15.0 metres (49.2 feet) along all lot lines.

- ii) A minimum setback of 30.0 metres (98.4 feet) from any lot line abutting a lot zoned Residential or Country Residential.
- iii) No loading or storage areas shall be located in any required yards.
- iv) Screening of not less than 2.0 metres (6.6 feet) in height shall be provided for wood processing uses and a rural resource centre abutting a lot zoned Residential.
- v) Screening of not less than 1.5 metres (4.9 feet) in height shall be provided for wood processing uses and a rural resource centre abutting a lot zoned Country Residential.
- vi) Fences of 3.0 metres (9.8 feet) shall be permitted for agricultural, forestry, silviculture and wood processing uses.

#### 4. **DENSITY**

##### **Residential use is limited to:**

- i) **On any lot:** One single detached dwellings dwelling and secondary suite, or one single detached dwelling and one carriage house, or one single detached dwelling and one secondary dwelling limited in area to 90.0 metres<sup>2</sup> (968.8 feet<sup>2</sup>).
- ii) **On any lot 1.0 hectare (2.5 acres) and over:** Two single detached dwellings.

#### 5. **SITING OF BUILDINGS AND STRUCTURES**

The setbacks required for buildings and structures within the Rural Twenty zone shall be as set out in the table below.

Type of Structure	Height	Required Setback				
		Front yard	Rear yard	Side yard		Side yard abutting road
				Frontage <31m	Frontage >31m	
Principal	10.0m (32.8ft)	7.5m (24.6ft)	7.5m (24.6ft)	1.75m (5.8ft)	3.5m (11.5ft)	7.5m (24.6ft)
Accessory	4.5m-or less (14.8ft)	7.5m (24.6ft)	1.0m (3.3ft)	1.0m (3.3ft)	1.0m (3.3ft)	7.5m (24.6ft)
Accessory	6.0m-4.6m (19.7ft)	7.5m (24.6ft)	7.5m (24.6ft)	1.75m (5.8ft)	3.5m (11.5ft)	7.5m (24.6ft)

Except where otherwise specified in this bylaw, no building or structure shall be located in any required front and side yard setback areas. [Note: Part 400, Siting Exceptions, of this bylaw and Bylaw No. 2782 being the "Floodplain Management Bylaw, 2005" may affect the siting of structures adjacent to major roads and the natural boundaries of watercourses and the sea, respectively.]

#### 6. **FLOOR AREA REQUIREMENTS**

- i) The maximum combined gross floor area of all buildings shall not exceed 15% of lot area.

#### 7. **SUBDIVISION REQUIREMENTS**

- i) Minimum lot area: 20 hectares (49.4 acres)

<b>Subject:</b> Temporary use permit	
<b>Branch:</b> Planning and Development Services Branch	
<b>Department:</b> Planning Services	<b>Policy Reference:</b> 3120-00

### Purpose

To provide a framework for administering and monitoring applications for temporary use permits.

### Scope

The *Local Government Act* (RSBC, 2015, c. 1) (LGA) enables a regional district to issue temporary use permits to; (a) allow a use not permitted by a zoning bylaw; (b) specify conditions under which the temporary use may be carried on; and (c) allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued.

The official community plan designates areas where temporary use permits may be issued.

### Guiding principle

Where enabled by the official community plan, temporary uses will be considered in light of public input, anticipated impacts, and the temporary nature of the proposal.

### Policy statement

1. The applicant of a temporary use permit must provide a written statement explaining the temporary nature of the proposal, a rationale for the requested duration, any expected phases that will involve a change in the intensity or scale of the use, anticipated alterations to land, buildings or structures, and the condition of land expected following the expiration of the proposed permit.
2. During consideration of an application for a temporary use permit, the board will consider factors that may form part of periodic monitoring reports and/or a post-activity report. A condition for reporting must specify the required content of the report, the required reporting dates, financial securities relating to conditions within the permit and reporting requirements, and the means for determining the release or forfeit of financial securities.
3. If approved by the board, the property owner or an authorized agent of the property owner will sign an acknowledgement of the permit conditions prior to the permit's registration on title.
4. A request to modify the terms of a temporary use permit will only be considered if the request involves no new land being subject to the permit. A request to extend the duration of the permit will be considered a renewal of the temporary use permit.

5. An application to renew a temporary use permit will involve public notification via mailed notices to owners and tenants, as specified in the Comox Valley Regional District planning procedures and fees bylaw.

**Approval history**

Policy adopted:	May 31, 2016
Policy amended:	



Royal Canadian Mounted Police  
Gendarmerie royale du Canada

OIC Comox Valley RCMP  
800 Ryan Road  
Courtenay, BC  
V9N 7T1

Your File

VanIsle Airfield Society  
Attn: Mrs Tania Woodbeck  
PO Box 196, 1091 Francis Road  
Merville, BCV0R 2M0

Our File

2019 09 12

To whom it may concern

**Vanisle Airfield Society Application**

The Comox Valley RCMP has received your request as it pertains to your application to the CVRD Temporary Use Permit. Your request and the attachments have been reviewed, indicies checks were also conducted to establish any prior events requiring our attendance or actions by this office.

The application that you have provided is very thorough and certainly does address any concerns that may arise. The Comox Valley RCMP has had no prior negative contact with the events held at this location, and has no concerns arising with future events at this time.

Thank you for providing the information, if you require anything further please contact Cpl. Victoria Cliffe, Client Services.

Regards,

  
Inspector M. Kurvers  
OIC Comox Valley RCMP

**Brianne Labute**

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**From:** Macdonald, Kurt <kmacdonald@courtenay.ca>  
**Sent:** September 11, 2019 9:50 AM  
**To:** Brianne Labute  
**Cc:** 'Tania Woodbeck'; James Bast  
**Subject:** RE: Temporary Use Permit, 4745 Forbidden Plateau Rd

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Brianne:

The Courtenay Fire Department has reviewed the planning application package that was submitted by the VanIsle Airfield Society Club for a temporary use permit at 4745 Forbidden Plateau Road and have the following comments:

- 1) Fire department access to the area that the event will be taking place must be maintained at all times;
- 2) Local and Provincial open air burning regulations are followed; and
- 3) We recommend that fire extinguishers be provided in areas where there is potential for a fire to occur.

Please let me know if you have any questions regarding the above.

Kurt MacDonald  
Deputy Fire Chief  
Courtenay Fire Department  
250-334-2513  
kmacdonald@courtenay.ca

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This e-mail communication may be confidential and legally privileged. If you are not the intended recipient, please notify me by return e-mail and delete this communication and attachment, and any copy, immediately. Thank you.