

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

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**Subject:** FW: Use of Airstrip for drag car tune-up

**From:** Josh Hudson  
**Sent:** Monday, November 04, 2019 3:16 PM  
**To:** Jake Martens <[jmartens@comoxvalleyrd.ca](mailto:jmartens@comoxvalleyrd.ca)>  
**Subject:** Use of Airstrip for drag car tune-up

Hi,

As a resident of Forbidden Plateau road I would like to express concern over a permit to allow repeated events of drag racing high performance cars on the airstrip.

Although I appreciate for the drag racers - this must be a fun event - it is certainly not a fun event if you have no interest in cars with super-size engines burning up the airstrip for several hours a day. These events have created an enormous amount of disruption and upset to any one living in the vicinity.

I am also concerned about the fire risk to such a beautiful conservation area. Residential development of this area supports "conservation" zoning. This location for such an event is extremely disruptive and is creating a lot of tension in the area.

I would please ask that such events are not supported in this area of outstanding natural beauty.

Thank you

Mike Larock  
Huock Forests  
4666 Forbidden Plateau Road  
Courtenay, BC

November 4, 2019

Attention: Committee Chair Director Grieve

Regarding: TUP for VanIsle Airfield Society

Thank you to the committee for the opportunity to discuss this activity on Forbidden Plateau Rd. I apologize in advance for missing the meeting. I was called out of town yesterday.

I will say up front that I am neutral on the application for a Temporary Use Permit to VanIsle Airfield Society (VAS). Therefore, it is just by chance, if in what I have written below leans one way or another.

Some of these residents on Forbidden Plateau Road have lived here for decades. Several grew up here and hung out down by the river when you could still drive your car down there. My kids grew up on Forbidden Plateau Rd driving quads on the woodlot. And I now bring my grandson and granddaughter to the same location.

What has changed in the last twenty years for some residents?

- The Sale of Timber West private land. Transition to Couverdon and sales.
- A wood lot that harvests and grows trees.
- Harvest and sale of forest land near Nymph Falls.
- Subdivisions that bring more people.
- The success of Nymph falls park.
- BC Hydro changes to siren and repeater pole.
- The unofficial mountain bike trails down forbidden mountain.
- The Smit airstrip.
- The new Inland Island Highway.

All these activities have changed the road for those who live here.

Lately, every new activity in the community has caused debate and anxiety. The issues are becoming more divisive. I am concerned about the disintegration of a community. We stand to lose the essence of neighbours, and neighbourhood. Up and down the road, people know each other; we know the kids; people help each other.

The point I want to make here is threefold:

1. The community has absorbed a lot of change. More than their fair share. And it has impacted the very reason that they purchased residences on the road in the first place.
2. We need to change the narrative of the issue, and control progressive development on the road. Instead of doing things to residents, let's do things for residents.

3. The businesses on the road need to take a leadership role in doing things for residents. I propose a business group that supports the community. Supports the residences organization by contributing community amenities. A business that becomes a neighbor in the neighbourhood.

If you do approve this application for TUP, I recommend the following items be included in the VAS application:

1. Zero tolerance for threats and harassment. The threatening person is prohibited from participating, removed from the premise, regardless of their standing. If this is not done the organizers agree to cancel the event.
2. Create an opportunity for residents to learn about the event.
3. Signage displaying timing of the event.
4. Safety meetings that include residents.
5. Contact person for questions from residents.
6. Maximum size of the event. (Maximum number of cars and people)
7. Representative of authority on site always.

Thank you.

Mike Larock

cc. Tania Woodbeck,  
Ken Peterson,  
Dan Annand  
Ton Trieu

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

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**From:** Ton Trieu  
**Sent:** Tuesday, November 05, 2019 9:47 AM  
**To:** Sylvia Stephens  
**Subject:** FW: submission of formal objection to TUP for drag car "Test and Tune" events on Forbidden Plateau Road

**From:**  
**Date:** Tuesday, Nov 05, 2019, 7:28 AM  
**To:** arzeenahamir <[arzeenahamir@shaw.ca](mailto:arzeenahamir@shaw.ca)>, reachme <[reachme@danielarbour.ca](mailto:reachme@danielarbour.ca)>, edwingrieve <[edwingrieve@shaw.ca](mailto:edwingrieve@shaw.ca)>, Russell Dyson <[rdyson@comoxvalleyrd.ca](mailto:rdyson@comoxvalleyrd.ca)>, Ton Trieu <[ttrieu@comoxvalleyrd.ca](mailto:ttrieu@comoxvalleyrd.ca)>  
**Cc:**  
**Subject:** Re: submission of formal objection to TUP for drag car "Test and Tune" events on Forbidden Plateau Road

Thank you for the opportunity to meet yesterday and share ideas.

To follow up further on the only argument that was proposed in favour of hosting events at this site by the applicant and which the CVRD report accepts: "There is no other location to do what we wish to do in this application":

A simple Google search finds that Saratoga Speedway track does indeed hold drag car activities, one as recently as this past September.

<https://www.campbellrivermirror.com/sports/street-outlaws-take-to-saratoga-speedway-track/>  
<https://www.facebook.com/pages/category/Sports-League/Saratoga-Van-Isle-Street-Outlaws-152599545565427/>

Given that the applicant claims that they are:

a) not racing; b) just testing that their cars operate safely; c) just need a place off of public roads to test their vehicles, the argument that "There is no other location to do what we wish do in this application" is invalidated.

Looking forward to further discussion but there needs to be more thorough and transparent research into this including several of the other points that we raised which were not adequately addressed in the CVRD's report:

- a) forest fire risk and lack of fire protection services to homes on Forbidden Plateau above the airstrip (eg, we have to call Coastal Fire Centre in the event of a fire not Courtenay Fire Department as they will not attend);
- b) RCMP lack of attendance to Forbidden Plateau (we have discussed this directly with RCMP who acknowledge lack of resources);
- c) lack of representation of diverse stake holders including climate action citizens, biologists, nature park users;
- d) CVRD lack of clarity regarding how success or failure of the TUP will be measured (will CVRD attend to ensure compliance given history of lack of control of participants at events as acknowledged by both property owners and Vanisle Airfield Society? what counts as success or failure?);
- e) impact of berm which will worsen noise for those of us at the end and above drag strip and provides no noise protection to park users.

Also interested in discussing further the tax breaks that home owners receive in the Saratoga area to accommodate these events.

Thanks again,

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**From:**  
**To:** "arzeenahamir" <[arzeenahamir@shaw.ca](mailto:arzeenahamir@shaw.ca)>, "reachme" <[reachme@danielarbour.ca](mailto:reachme@danielarbour.ca)>, "edwingrieve" <[edwingrieve@shaw.ca](mailto:edwingrieve@shaw.ca)>, "Russell Dyson" <[rdyson@comoxvalleyrd.ca](mailto:rdyson@comoxvalleyrd.ca)>, "Ton Trieu" <[ttrieu@comoxvalleyrd.ca](mailto:ttrieu@comoxvalleyrd.ca)>  
**Cc:**

**Sent:** Tuesday, October 22, 2019 8:00:05 AM

**Subject:** submission of formal objection to TUP for drag car "Test and Tune" events on Forbidden Plateau Road

Dear Director Hamir, Director Arbour, Director Grieve, Mr Dyson, and Mr Trieu

Regarding the application for a Temporary Use Permit (TUP) for drag car "Test and Tune" events on Forbidden Plateau Road: a rural, residential and nature park area that is not zoned for drag car events.

We are residents of Forbidden Plateau and we object to the proposed TUP that would allow for drag car "Test and Tune" events on Forbidden Plateau including but not limited to the following reasons:

1. Adverse impacts to our person property
2. Safety concerns
3. Negative impacts to Nymph Falls Nature Park users and wildlife
4. Contravention of the Comox Valley Regional Growth Strategy for Rural Comox Valley and incongruence with contemporary climate change policies

As other communities object to drag car events due to the incredible challenge of finding a suitable location for this hobby, the applicants' written claim that "There is no other location to do what we wish to do in this application" is not a strong argument that Forbidden Plateau is a suitable venue for drag car "Test and Tune" events.

Please see the attached letter as our formal objection.

We are counting on you, our representatives, to uphold the zoning policies that were in place when we purchased our property on Forbidden Plateau in 2013.

Please do keep our letter in confidence as we are fearful of harassment by the property owner should our objections in a letter be released publically.

We are willing to attend and comment publically at any upcoming CVRD meetings where respectful rules of engagement would ensure our ability to participate safely and respectfully.

Respectfully,

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

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**From:** Planning and Development Services  
**Sent:** Monday, November 18, 2019 8:43 AM  
**To:** Brianne Labute  
**Subject:** FW: Form submission from: Comox Valley Regional District - Planning & Development

**From:** Comox Valley Regional District [<mailto:no-reply@cvrdwebsite.ca>]  
**Sent:** Friday, November 15, 2019 5:05 PM  
**To:** Planning and Development Services <[planningdevelopment@comoxvalleyrd.ca](mailto:planningdevelopment@comoxvalleyrd.ca)>  
**Subject:** Form submission from: Comox Valley Regional District - Planning & Development

Submitted on Friday, November 15, 2019 - 17:04

Submitted by anonymous user: 209.52.88.27

Submitted values are:

Name Ken Pardiac

Email

Message

As an Indigenous person with a commercial fishing license and a resident of Forbidden Plateau Road, I would like to express my concerns in regards to the Puntledge River Reach B gravel enhancement placement. I feel that this is a vital enhancement project for fish survival and the environment in the Puntledge River system.

As I understand it, if the Test and Tunes are not allowed to continue, the owners of Smit field will develop the upper end of the runway to allow for larger aircraft for commercial activities such as glider towing and air shows. I am told that once the runway is improved on the upper end they will not allow BC Hydro or Fisheries access as it would damage the runway.

I think before making the decision whether or not to allow these Test and Tunes to continue that the property owners should be consulted to see if this is truly the case.

Yours concertedly,

Ken Pardiac

4436 Forbidden Plateau Road

The results of this submission may be viewed at:

<https://www.comoxvalleyrd.ca/node/2842/submission/4821>

## 3120-20 / TUP 3C 19

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**From:** Ton Trieu  
**Sent:** Tuesday, November 19, 2019 9:19 AM  
**To:** Brianne Labute; Jake Martens  
**Cc:** Sylvia Stephens  
**Subject:** FW: Test and Tune Drag Car Events on Forbidden Plateau

**From:**  
**Sent:** November 18, 2019 7:05 PM  
**To:** arzeenahamir <[arzeenahamir@shaw.ca](mailto:arzeenahamir@shaw.ca)>; reachme <[reachme@danielarbour.ca](mailto:reachme@danielarbour.ca)>; edwingrieve <[edwingrieve@shaw.ca](mailto:edwingrieve@shaw.ca)>; Russell Dyson <[rdyson@comoxvalleyrd.ca](mailto:rdyson@comoxvalleyrd.ca)>; Ton Trieu <[ttrieu@comoxvalleyrd.ca](mailto:ttrieu@comoxvalleyrd.ca)>  
**Cc:** Scott Smith <[srsmith@comoxvalleyrd.ca](mailto:srsmith@comoxvalleyrd.ca)>  
**Subject:** Test and Tune Drag Car Events on Forbidden Plateau

Dear Director Hamir, Director Arbour, Director Grieve, Mr. Dyson, and Mr. Trieu

I am a resident of Forbidden Plateau and I am writing this e-mail to confirm my stand of being against the TUP application for Test and Tune Drag Car activities on Forbidden Plateau

As a professional and manager of one of the largest First Nation forestry tenures in BC most of my days are spent dealing with public concerns and grievances against our company. Before any management decision is made to change operations I must understand the issues, find scientific and technical evidence to the issues and then ensure that the change, if any, will be within the legal and certification boundaries that we are upholding.

On November 4<sup>th</sup>, 2019 I was part of the audience group during a Electoral Area Services Committee Meeting, specifically there to hear the electoral area "C" = TUP - 4627, 4635, 4639, 4745, 4749, 4751 AND 4753 Forbidden Plateau Road (Griessel). Considering the impacts both positive and negative this proposal will have to the applicant, the neighborhood and the community I was quite surprised to hear the limited technical findings of CVRD staff. I was also surprised to hear how fast Director Grieves was willing to finalize and approve the TUP, when obviously after several presentations by supporters and opposers living on the road, new and compelling information was brought forward.

From the applicant's and supporters' presentations it is quite obvious that this is more than just a TUP for 3 years but a start to develop a permanent test and tune drag racing facility in the CVRD only 30 kilometers away from an established racing facility capable of handling test and tune events, Saratoga. It is also clear based on the amount of work being conducted at the physical site that the applicant has been given some confidence from the RD that the TUP will go through. Previous events, including drag car test and tune events have occurred at this site illegally and with complaints from neighbors, including myself. Identical events are now being applied for through a TUP but superficially addressing previous complaints and concerns of the neighborhood. The applicant's efforts to understand the issues, find scientific and technical evidence and ensuring their change is within legal boundaries is missing from their application. Concerns not properly addressed and still being brought forward include: noise and fire prevention.

Noise – I heard very compelling presentations from opposers of the TUP. It is obvious these individuals moved to the Forbidden Plateau road area to get away from noise, population and pollution of urban



areas. Purchasing property, investing in the community and raising a family knowing the CVRD by-laws and growth strategy for rural development would protect them. Two presentations stand out from the rest. One presenter has a wife with a serious heart condition and another presenter has a daughter with special needs. While the later presenter did not mention this, his daughter has gone through two heart surgeries with another to follow in a few years. Several other opposers of the TUP who presented complained of noise and that they could not have a conversation with others in their yard or on the phone while the cars were operating. According to British Columbia Ministry of Health, 85 decibels (dB) of noise is damaging. Further the Ministry indicates that an easy way to become aware of potential damaging noise is if “you are having difficulty talking or hearing others talk over the noise”. At 95 dB noise can cause a significant change to the heart rate and can further cause changes to blood pressure, add mental stress and increase output of adrenaline that can cause abnormal heartbeats, nervousness and impaired motor coordination. To address noise, the applicant has indicated that the noise being created is “not that bad”. On behalf of the applicant Mr. Peterson stated during the Nov 4<sup>th</sup>, 2019 meeting that a noise test was conducted in Campbell River with a high end race car, a type of car that would not run on the track at Forbidden, produced 104.5 dB of noise and from 2.5km away the same car produced 50.2 dB of noise. Further Mr. Peterson indicated that the cars being used on the Forbidden strip would not be as loud as the high end race cars and that their cars are much quieter, street type cars.

Should the TUP go ahead, to assist the applicant mitigate noise the following can be added to the TUP:

- Vehicles used at the track cannot exceed 91 decibels (dB) (Max noise level allowed for a motorbike, source BC Ministry of Transport Motor Vehicle Act) where 0 dB is the threshold of human hearing .
- The applicant must measure the loudness of each vehicle during the event. The measurements will be made using a decibel meter and recorded 1m from the side of the track near the start position while the vehicle is completing a burnout. Print outs of each run will be supplied to CVRD staff as a means of measure of the TUP success/ failure.

Fire – In Mr. Peterson’s address to the CVRD on Nov 4, 2019 he stated “the only real risk of a vehicle fire is at the burn-out stage as this is when a backfire would occur”. Barring a vehicle going off the track and catching the forest on fire, the burn out location is the closest location to the adjacent timber and nature park along the drag strip, approximately 10m. Mr. Peterson further stated they have fire extinguishers, fire trucks and some newer vehicles have suppression systems. My experience as an incident commander for wildland fire fighting, a wildland fire fighting instructor and a former assistant fire chief having suppression systems is only part of what is required. A formal fire plan, strategy and prevention program is needed for this site considering the risk these activities have for starting a fire, the location of the strip being downhill from residents, heavy public use of neighboring nature park, proximity of the activities to combustibles and being on the outskirts of the Courtenay Fire Protection District where only a few hundred metres away residents have no fire protection. There is no mention of monitoring wildfire risk or suspending activities when fire risk is too high, similar to what industry must do when working near a forest.

Should the TUP go ahead, to assist the applicant to properly address community concerns regarding fire the following can be added to the TUP:

- Test and Tune and other drag activities must not occur when the fire weather index is IV or higher. The CVRD can measure this by comparing activity days to the BC’s Protection Branch’s Fire Weather Index webpage.
- During Fire weather Index of III or less activities must stop when there is crossover occurrence where the humidity % reading is lower than the temperature reading in degrees celsius. Typically called the 30- 30 crossover rule.
- Have posted during activities a written emergency response plan including:
  - How emergencies will be actioned

- Individual responsibilities for each key personnel at the site
- Emergency contact numbers for key individuals and organizations

Sincerely,

## 3120-20 / TUP 3C 19

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**From:** Ton Trieu  
**Sent:** Tuesday, November 19, 2019 9:17 AM  
**To:** Scott Smith; Brianne Labute; Jake Martens  
**Cc:** Sylvia Stephens  
**Subject:** FW: Test and Tune Drag Car Events on Forbidden Plateau

**From:**  
**Sent:** November 19, 2019 6:55 AM  
**To:** arzeenahamir <[arzeenahamir@shaw.ca](mailto:arzeenahamir@shaw.ca)>; reachme <[reachme@danielarbour.ca](mailto:reachme@danielarbour.ca)>; edwingrieve <[edwingrieve@shaw.ca](mailto:edwingrieve@shaw.ca)>; Russell Dyson <[rdyson@comoxvalleyrd.ca](mailto:rdyson@comoxvalleyrd.ca)>; Ton Trieu <[ttrieu@comoxvalleyrd.ca](mailto:ttrieu@comoxvalleyrd.ca)>  
**Subject:** Test and Tune Drag Car Events on Forbidden Plateau

Hello,

Yesterday, we met with CVRD staff to discuss the TUP for drag strip events on Forbidden Plateau.

We expressed confusion at the dramatic shift in CVRD staff's perspective around the suitability of Forbidden Plateau as a site for drag strip activities. At our July 3<sup>rd</sup> meeting it was explained to us by CVRD staff that the proponents can apply for a TUP but that it will not likely be successful "because they have already shown that it does not work". At the November 4<sup>th</sup> EASC meeting the TUP was described as a method for the CVRD to add some control to the events. Now, we hear yesterday, that the true purpose of the TUP is actually "for the CVRD to explore if this use could work in this area".

How frustrating to us to witness systemic bias in favour of this TUP by those who will not have to live with this in their back yard, but it is in ours.

How exasperating to hear that there are still no objective metrics in place to evaluate what "could work in this area" even means. Last evening, one CVRD staff member suggested "maybe staff will drive around in our car to see how loud it is". This is not adequate.

It seems the proponents are being coached on how to make this TUP more palatable for the upcoming December EASC meeting. They were already asked at the November 4<sup>th</sup> EASC meeting why Saratoga is not suitable. They answered "because it does not have a timing system" even though they have a portable timing system. Now we learn that the argument will shift to "because Saratoga is not safe" for the activities they want to perform. As I explained last evening, it is analogous to getting a wrong answer on a test but being given time to fix it.

When I asked yesterday why there has been no attention to climate and wildlife impacts, it was explained that staff do not have the expertise to evaluate this and that the CVRD does not have an environmental planner. Instead we were told the CVRD is going to "rely on the applicant to provide the reports". The obvious conflict of interest in this process is astounding.

We can only speculate that the proponents have been offered a strong indication that this TUP will be successful given the ongoing investment in drag strip developments (dump trucks were at the site yesterday).

In summary,

1. We do not support this TUP for the aforementioned reasons:

1. adverse impacts to our personal property
  2. safety concerns
  3. negative impacts to Nymph Falls Nature Park users and wildlife
  4. contravention of the Comox Valley Regional Growth Strategy and incongruence with contemporary climate change policies
- 
2. We are concerned that systemic bias may be influencing the approval of this CVRD given the absence of a substantive rationale provided in favour of the TUP.
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3. We believe the TUP is not truly a temporary use permit, rather it is being pursued strictly because it is less complicated and less costly than applying for rezoning
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4. We do not believe that the CVRD's parameters within the proposed TUP do enough to protect the community from noise pollution, forest fire risk and property devaluation and wish to address specifically: noise pollution and forest fire risk
    - a. TUP should be limited to one year with no ability to renew: the CVRD must take the position that a residential community is not the appropriate location for a drag strip
    - b. TUP should be specific to the property and not the applicant (ie, it cannot be continuously renewed under a different applicant's name)
    - c. Vehicles used at the track cannot exceed 91 decibels (dB) (Max noise level allowed for a motorbike, source BC Ministry of Transport Motor Vehicle Act) where 0 dB is the threshold of human hearing  
Decibel levels maximum: an independent assessor must measure for compliance [see Jeff Mosher email November 18 for detailed rationale]
    - d. Test and Tune, other drag activities must not occur when the fire weather index is 4 or higher or stop if there is a crossover occurrence when fire weather index is below 4 [see Jeff Mosher email November 18 for detailed rationale]
    - e. Drag car operations limited to 4 hours (10 am to 2 pm) on one day per weekend maximum, maximum 3 days per year
    - f. No rescheduling due to weather
    - g. No further lengthening or widening of drag strip activities toward homes and Nymph Falls Nature Park
    - h. Independent economic assessment of the impact to property values for residents who unwillingly suffer the financial burden of the decision by the CVRD to support the drag strip
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**3120-20 / TUP 3C 19**

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**From:** Pat bridge  
**Sent:** Tuesday, December 03, 2019 12:55 PM  
**To:** Planning and Development Services  
**Subject:** [Possible SPAM]  
  
**Importance:** Low

To the Directors of the GVRD board.

We are residents of Plateau Road in Courteney and are very strongly opposed to the proposed Drag Strip at Smit Field.

We moved and have lived here since 1975 to participate in a rural lifestyle - not one that creates greatly increased traffic, extra noise and air pollution, possibly less respect for our surrounding parkland and river areas and risk of damage to this area. Personally I believe that some of we residents are being subjected by to verbal bullying tactics and some untruths.

Ron and Pat Bridge  
4420 Plateau Road  
Courteney

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

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**From:** David Lane  
**Sent:** Tuesday, December 03, 2019 7:42 PM  
**To:** Planning and Development Services  
**Subject:** Proposed drag strip activity

To the planning department at the Comox Valley Regional District.

As you are aware a neighbour has applied to use his property for drag racing, although it may be couched in somewhat different terms. There are many reasons why this application should not be allowed, all of which have been presented to planning in the past. Since the RD did not fight the original development of the airstrip, which in itself is still much of an annoyance, it would behoove the district to squash this application now, and once and for all, for the peace and security of the residents of Forbidden Plateau Road.

David Lane  
4799 Forbidden Plateau Road  
Courtenay V9J 1R3

## Sylvia Stephens

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**From:** Ton Trieu  
**Sent:** Monday, December 02, 2019 9:17 PM  
**To:** Brianne Labute; Jake Martens; Sylvia Stephens  
**Subject:** FW: Final thoughts RE: TUP Opposition for Racing at Forbidden Plateau  
**Attachments:** Extended Use Proposition.pdf

**From:**  
**Date:** Monday, Dec 02, 2019, 6:18 PM  
**To:** Edwin Grieve <[edwingrieve@shaw.ca](mailto:edwingrieve@shaw.ca)>, [reachme@danielarbour.ca](mailto:reachme@danielarbour.ca) <[reachme@danielarbour.ca](mailto:reachme@danielarbour.ca)>, Arzeena Hamir <[arzeenahamir@shaw.ca](mailto:arzeenahamir@shaw.ca)>  
**Cc:** Ton Trieu <[ttrieu@comoxvalleyrd.ca](mailto:ttrieu@comoxvalleyrd.ca)>, Russell Dyson <[rdyson@comoxvalleyrd.ca](mailto:rdyson@comoxvalleyrd.ca)>  
**Subject:** Final thoughts RE: TUP Opposition for Racing at Forbidden Plateau

Hello all,

I wanted to follow-up on my previous submission with some additional thoughts, below. I would also like to point out that Forbidden Plateau residents opposed to the TUP are not the type of folks who have nothing better to do than needlessly complain. We are professionals, doctors, teachers, developers, and homeowners who have made deliberate decisions to invest and live in the Forbidden Plateau area. Speaking for myself, I have never been involved in a combative situation like this and am loath to have to step up to this level.

However, homeowners are very concerned about what has happened to date and where this is all headed. Ultimately, we are concerned about watching the house next door, slowly turn into a frat house and ruin our homes and neighbourhood. We have no recourse other than to oppose the start of the process as best we can.

Hopefully you have time to consider my five points below.

- 1) The proposed TUP does not appear to be temporary at all; this issue has been ongoing for a few years. I believe this is the root issue of why so many residents are as frustrated as they are. The proposed TUP is not for a wedding or one-off event. Nor is the proposed use new; residents have already endured a summer of these events. That is what galvanized residents to pursue support for enforcement of the by-laws in the first place.

Even as a limited term TUP is being debated, the proponents are already subtly pushing for longer. See attached letter from the TUP Proponents (delivered to my door this week), which notes that they are, "...hoping to continue our limited schedule until a permanent home for drag racing can be realized elsewhere....". Note that they call it "drag racing", because that's what this is.

The idea that the proposal will be open ended and turn into a long-term venue for these events is exactly what residents are worried about.

It would seem that regardless of the outcome, Dan will do as he pleases anyway, "*Because of the hassle with the CVRD, I might invite a few friends up here with cars anyway, whether it (temporary use permit) passes or not.*" <https://decafination.net/2019/11/26/smit-field-owners-neighbours-cvrd-rural-directors-clash-over-testing-of-drag-racing-cars/>

- 2) None of the TUP proponents (Kevin/ Dan), or neighbourhood (Forbidden Plateau) residents even own cars that will be involved in the events. The cars are all from outside the area, and largely from outside the CVRD. This isn't local residents trying to use their property. This about creating a venue for folks from out of town to come and create an ongoing nuisance.
- 3) There ARE other places for these events to be held. There are multiple venues on the Island (Port McNeill, Cowichan, Saratoga). Clearly, car owners have been using these facilities to date to enjoy their hobby. There is

no need to now create a new site in a residential area, next to one of the Comox Valleys best nature recreation sites.

**It is not reasonable to ask residents to accept drag racing in the neighbourhood, because the other venues aren't perfect enough or cheap enough. That's not our problem.**

Campbell River Mirror: Street Outlaws take to Saratoga Speedway track -

<https://www.campbellrivermirror.com/sports/street-outlaws-take-to-saratoga-speedway-track/>

- 4) The idea of the proposed TUP would be a trial to see if a limited application TUP could work is unnecessary. There have already been multiple events held at the site, and the sum total of that process is many upset residents, poor behavior by proponents and supporters, and a continued push to carry on and expand the events. At the end of a TUP process, all the same arguments will be presented, but the intensity will simply be higher. We already have enough information at hand to make a decision.
- 5) The CVRD review did not address the risk of fire to residents outside (i.e., uphill) the Fire Protection Area. The fire risk and values at risk are very real in the summer, when the events are proposed. Impacts to recreation and environmental values were not sufficiently assessed. There will be negligible infusion to the local economy as proposed (car owners will be camping on-site and their cars do not run on fuel purchased at local gas-stations – because they are not “street cars”). There were also no answers provided on how the TPU would be evaluated for success or failure.

There are no pluses for local residents, the Forbidden Plateau area and users in general, nor the local economy.

In closing, I cannot think of a more conflicting use for the area than to put a sanctioned drag strip in a rural residential area, adjacent one of the Valley's best/ most popular recreation areas, during peak fire season. This makes no sense.

If we approve this, what message are we sending everyone about the CVRD? What does this tell prospective property owners? What is the take-home message about our by-laws?

Respectfully,

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On Oct 25, 2019, at 2:49 PM,

> wrote:

Good Day Director Grieve, Director Hamir, Director Arbour, Mr. Dyson and Mr. Trieu,

I am writing this email as my formal opposition to the proposal from VanIsle Society and the property owners for their racing events in Forbidden Plateau.

Please find attached my submission, along with supporting information for your consideration.

Given all of the hostility and toxicity with this issue, please do not publish my name with this letter.

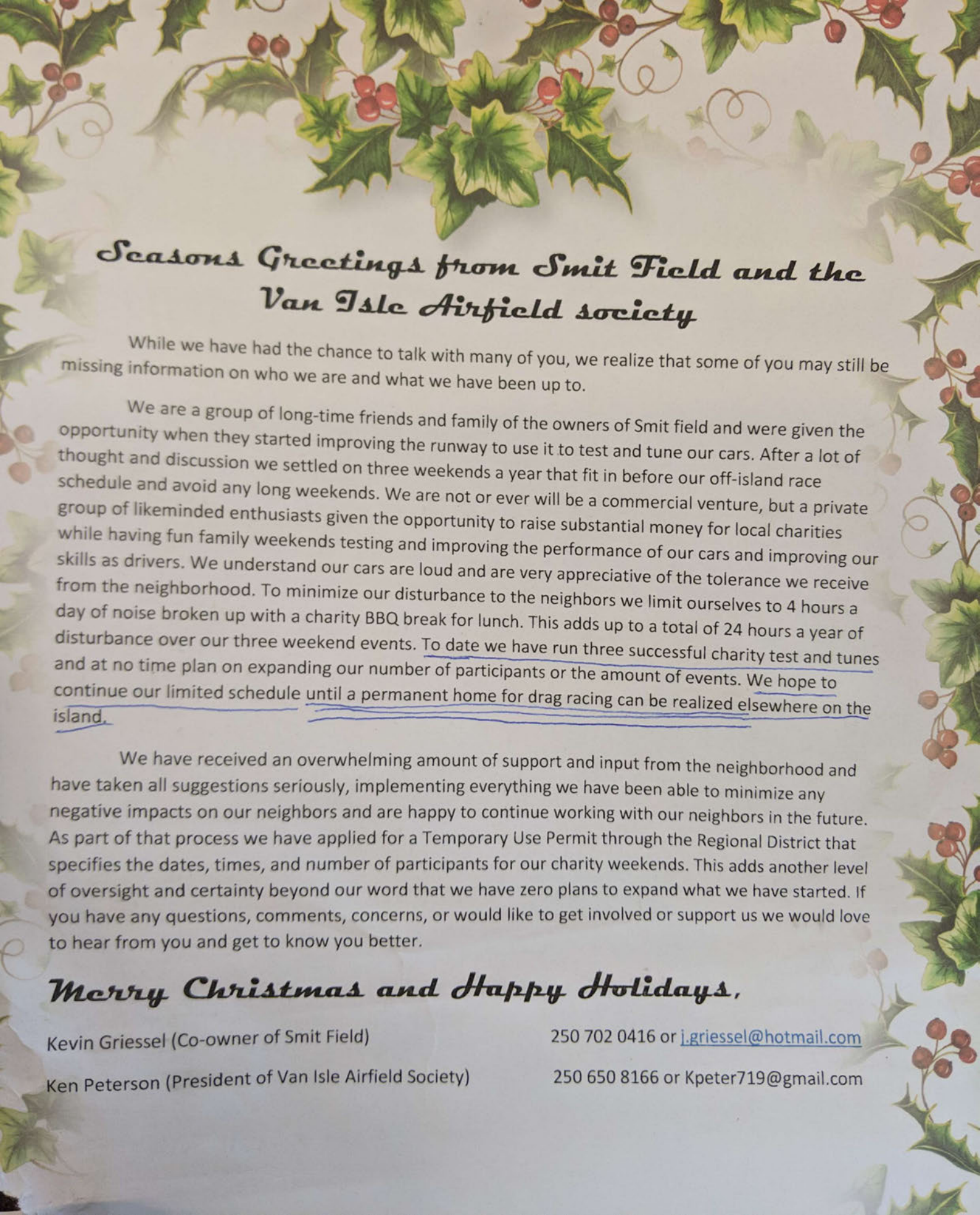
There is one additional point that I have removed from my submission as it will likely indicate who I am. That point is as follows:

- The proponents suggest that if it's loud, then people can just leave during the events. My home is a purpose-built wheelchair accessible home for my daughter. I built it in Forbidden Plateau as that was the only property in the



valley that I could find that would suit my needs. I cannot use just any house or location. Accessibility is a very real issue for me. Forcing people to leave their homes to avoid special events that are against the bylaws makes no sense and in my case is not possible.

Thank you,



## *Seasons Greetings from Smit Field and the Van Isle Airfield Society*

While we have had the chance to talk with many of you, we realize that some of you may still be missing information on who we are and what we have been up to.

We are a group of long-time friends and family of the owners of Smit field and were given the opportunity when they started improving the runway to use it to test and tune our cars. After a lot of thought and discussion we settled on three weekends a year that fit in before our off-island race schedule and avoid any long weekends. We are not or ever will be a commercial venture, but a private group of likeminded enthusiasts given the opportunity to raise substantial money for local charities while having fun family weekends testing and improving the performance of our cars and improving our skills as drivers. We understand our cars are loud and are very appreciative of the tolerance we receive from the neighborhood. To minimize our disturbance to the neighbors we limit ourselves to 4 hours a day of noise broken up with a charity BBQ break for lunch. This adds up to a total of 24 hours a year of disturbance over our three weekend events. To date we have run three successful charity test and tunes and at no time plan on expanding our number of participants or the amount of events. We hope to continue our limited schedule until a permanent home for drag racing can be realized elsewhere on the island.

We have received an overwhelming amount of support and input from the neighborhood and have taken all suggestions seriously, implementing everything we have been able to minimize any negative impacts on our neighbors and are happy to continue working with our neighbors in the future. As part of that process we have applied for a Temporary Use Permit through the Regional District that specifies the dates, times, and number of participants for our charity weekends. This adds another level of oversight and certainty beyond our word that we have zero plans to expand what we have started. If you have any questions, comments, concerns, or would like to get involved or support us we would love to hear from you and get to know you better.

### *Merry Christmas and Happy Holidays,*

Kevin Griessel (Co-owner of Smit Field)

250 702 0416 or [j.griessel@hotmail.com](mailto:j.griessel@hotmail.com)

Ken Peterson (President of Van Isle Airfield Society)

250 650 8166 or [Kpeter719@gmail.com](mailto:Kpeter719@gmail.com)

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

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**From:** Joy Leith  
**Sent:** Wednesday, December 04, 2019 1:03 PM  
**To:** Planning and Development Services  
**Subject:** Drag Racing

As a resident of Plateau Rd and frequent user of Nymph Falls (my husband and I are on your brochure) we are opposed to drag racing ! It is disturbing to those who frequent the park both residents and visitors! Plateau Rd is busy without having added noise and traffic ! Is this an image of what the Comox valley represents?? Not my image!!

Sincerely Joy Leith  
Sent from my iPhone

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

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**From:** Katie Leith-Mills  
**Sent:** Wednesday, December 04, 2019 4:05 PM  
**To:** Planning and Development Services  
**Subject:** Forbidden Plateau Rd. Concern

To whom it may concern,

There is currently an application in at the regional board to approve the use of the Plateau Rd. airstrip as a drag racing test strip. I would like to speak against the approval of this application as this type of activity is not suitable for the area. Having three weekends (+Jeepapaloza at the same site on the May long weekend) is a serious disturbance for the residents in the area and the hundreds if not thousands of people who use the park during the good weather months. The noise is oppressive and makes it difficult to enjoy being outside in my own back yard, which is why many of the residents purchased property in this area. I am curious to know if the regional board has done any investigation into the noise levels of the activity or at other similar activities. I can tell you that it is not a "white" noise that can be easily ignored, it is more harsh and cacophonous. There is also the concern of a fire starting based on this high risk activity. If a fire started in an unprotected fire district there could not only be a loss of one of the most used parks in the Comox Valley but also a loss of residential homes and in a worst case scenario a loss of human lives.

As mentioned at one of our plateau rd meetings, there are no other places that do this and I can easily see why. In order to fully understand this situation I hope the regional board has done a thorough job of researching noise levels, safety precautions and potential risks of approving or hosting a event such as this. For example, have any of those involved completed training in how to safely prepare a race site, is there an incident response plan, is there a fire suppression plan, an extrication plan, approved training in how to properly clean up the track after a race (for pollutants and/or fire risk), will there be enclosed areas to protect observers or bystanders these are all things to consider before looking at approving this application.

I am hopeful that the regional board will take the time to properly research and make an educated decision concerning this application.

Katie Leith  
Plateau Road Resident for 38 years.

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

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**From:** Dwayne Mills  
**Sent:** Wednesday, December 04, 2019 3:40 PM  
**To:** Planning and Development Services  
**Subject:** Forbidden Plateau Airstrip concern

To whom it may concern,

I am writing this email in reaction to the application that is currently under review to allow the airstrip located on Forbidden Plateau Rd. to be used as a time testing drag strip for the local drag racing community. As a resident of the area I have some serious concerns about this application and I would like to speak against the approval of the application.

My main concerns around this application involve the safety of the area, the proximity to Nymph Falls Park, and the impact the noise has on local residents. As an area without fire protection this type of activity could have a significant destructive impact. The cars being tested use a more volatile type of fuel and the nature of the activity taking place leads to an increased risk of fire outbreak, especially as the airstrip is located next to a forested area that has a significant amount of dry tinder that would fuel a fire. I know the association applying has taken fire precautions, but as we all know these types of fires can be slow to start and even the smallest spark could lead to disaster.

The location of the airstrip next to a provincial park has more than fire implications as there are many local residents and visitors to the area that make use of the park. The meetings the local residents had with the regional board over the development of the handicap paths in the park revealed just how much the park is used and I am sure that some of your staff such as Doug Demarco could provide further insight into the use of the park. The approval of this application would result in 3 weekends of prime park use time (all time trials need to be completed in clear dry weather, usually in the summer) that would be disturbed by a loud and constant noise that will travel throughout the entire park.

Not only does this noise disturb users of the park, it also disrupts of the lives of the residents on the road. We purchased a home in this area for the quiet solitude of a forested rural area and when the time trials are occurring the noise is quite proliferate and does detract from our enjoyment of being outdoors and enjoying our property. As mentioned above, the time trails are completed in the summer time and having three weekends of audio pollution is a significant piece of the summer time weeks we have.

The last concern I have which underlies all of these issues is the way that the people involved in this process have treated local residents which is reflected in the Comox Valley Record Article located here: <https://www.comoxvalleyrecord.com/news/updated-neighbour-wants-brakes-put-on-race-car-testing-activities-near-nymph-falls/> Residents living in proximity of the air strip voiced their concerns and they were vilified in the newspaper and labelled as outliers, which is not true. Residents were further called out with personal insults at a Plateau Road Association meeting at a later date. At that same meeting there was also a mention of consultation with all residents in the area and I had not one person approach my household to have a discussion concerning this use of the airstrip. There is also a history of concern as some of the people involved in this application are also involved in the "Jeepapalooza" that happens on the property every May long weekend (which is another weekend of disturbance in the area). The Jeepapalooza also began as a small gathering with friends and family, the same language used by the drag racing group, and now it has grown into hundreds of campers and jeeps descending on the area and speeding up and down the road all weekend. As history has demonstrated, there is little policing to these events and the potential for unchecked growth is massive as the applicants have openly admitted that there is no other area on Vancouver Island to do these time trials.

I could continue on but I believe that it is clear that the approval of this application is not supported by many of the residents in the area. While I do understand that there are other considerations involved in this decision making process, I would hope that if this application is approved that there are limits placed on it when it comes to number of participants and the frequency of days as it seems unreasonable to have this occur three weekends during the summer months. I would also like to see some further investigation on the part of the regional district to test the noise levels as the applicants seem to be dismissing the level of noise as minimal when it is truly not.

Thank you for taking the time to hear my voice.

Dwayne Mills  
4406 Forbidden Plateau Rd.

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

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**From:** Personal information removed  
**Sent:** Wednesday, December 04, 2019 10:16 PM  
**To:** Jake Martens  
**Cc:** Sylvia Stephens; Ton Trieu; Email Service; arzeenahamir@shaw.ca; reachme@danielarbour.ca  
**Subject:** VAN ISLE AIRFIELD SOCIETY - TEST AND TUNE EVENTS/TUP APPLICATION  
**Attachments:** Van Isle Airfield Society letter - Nov 2019.pdf

Thank you for the opportunity to revamp my earlier email regarding this concern.

Dear esteemed CVRD Directors, Council Members and Representatives,

I moved to the Comox Valley 4 years ago with my husband and young family. I know the Valley rather well given I was raised here and the majority of my extended family makes the Valley their home and has done so for generations. A fantastic place to grow up. A lot of thought, research and discussion went in to determining where to build our “forever home” so I did know of the airfield.

I did notice construction at the property some months back and wrongfully assumed the improvements were to accommodate/attract additional business by way of further small craft to the airfield. This seemed a reasonable expectation however, it never occurred to me that this wild forested neighbourhood would be subjected to roaring engines and a pastime that is going the way of the past. Seems this is more suited to say, Saratoga Speedway an already established location?

Like Mr. Annand, my family and neighbours have made a significant investments in our properties and we have the right, like Mr. Annand, to the use (as permitted) and quiet enjoyment of said property.

There is a process if one wishes to change land use. From what I understand this process was disregarded and/or ignored until someone complained and this someone was literally driven out of town by followers to the event. Correct me if I am mistaken but this is not that type of folk we actively want to attract to our Valley. The crux of the matter is that there’s been a change in land use without proper consultation of those who might be affected by it. Given the harassment levelled at the <sup>Personal information removed</sup> people who would otherwise come forward may now be reluctant to do so. There needs to be some kind of avenue for people to be able to come forward without threat of retribution.

The first I heard of the Society and their intention to apply for a Temporary Use Permit (TUP) was a week or two ago when a copy of the attached letter was posted to my gate. I knew of the events of course, they are very disruptive, impossible to miss. I also knew they were shut down due to complaints. I trusted this was meant to be the end of it. It never occurred to me, given the CVRD’s mandate to more environmentally friendly pursuits; that the CVRD would entertain issuing a TUP. Seems to me this would be endorsing that following the rules isn't important. Subsequent to receiving the Society's letter a more informed neighbour sent me a link to the Decafnation article and brought me up to speed on why the <sup>Personal information removed</sup>. I swear I must live under a rock. Most of my information came rather quickly after that from speaking to neighbours, both for and against, as well as reading the article and all of the subsequent commentary. I have not had the opportunity to speak to anyone representing the Van Isle Airfield Society (the “Society”). I'm open to it, just time constraints, busy life.

Given I'd never heard of them before a week or two ago I was surprised to learn in the article that the Society had been in touch with over 140 residents in the Forbidden Plateau area? Right up to the base of the Mountain even? Out of this number only 5 residents against the activity? I was disappointed Mr. Annand as the land owner and representative to the Society didn't take the opportunity to denounce the bullying levelled at the family. I've heard have landed on their feet, having done well but that's hardly the point – the harassment must have been severe because a an extreme action. Rather than denounce the bullying I feel like it was implied that should they not achieve a TUP they'll venture on to even more disruptive activities and events. Not a fantastic sales pitch nor a way to garner additional support. At least not from my perspective.

Some things to consider in law that I pulled off of Canlii.org:

- *The utility of the conduct and/or the usefulness of the conduct*. An activity of high utility weighs in their favour, and vice versa. This activity serves no one but this small group of people and their hobby. The fact that they give back to the community is immaterial – there are other ways to generate revenue for charity that would be acceptable and not seen as nuisance<sup>3</sup>. For instance: I don't hear anyone complaining about Jeepapalooza an event that makes a little more sense for the area. A group of nature loving jeep enthusiasts coming together to do some off roading, camping and just enjoying nature and each other's company.
- *Locale or Character of the Neighbourhood*. One of the examples given is that nuisance was established against an airfield operating in a quiet rural area. *Manitoba v. Adventure Flight Centres Ltd (1983)*
- *Severity of the Harm* - If the harm is trivial the courts will not view it as a nuisance. Illustrations of the element of the severity include: sound of squawking macaws, the sound of go-cart engines, and airplane engines that make it impossible to carry on a conversation. *Banfai v. Formula Fun Centre Inc.*
- *Sensitive Plaintiff*: Courts will consider the objective reasonableness of the plaintiff's reaction. G
- *Malice* Defendant's bundle of rights does not include the right to torment his neighbour. Mr. Annand and the Society seem like reasonable people and I don't think they've directly harassed any one. In fact in the comments I read in the Decafnation article the responder for the Society was very knowledgeable. I just don't agree with him and his cause.
- *Quality* Some nuisances have qualities that make them particularly objectionable. One example given is the high-pitched screeching produced by race car tires being more intrusive than normal traffic sounds. *Banfai v. Formula Fun Centre*
- *Frequency and Duration* Unique or intermittent interferences are different than those that are repeated or ongoing.
- *Time of Day and Day of the Week*
- *Damage to Personal Health*
- *Pollution to the surrounding environment*. It is not enough to say there are other activities that cause more pollution than this one. It's not a competition. We know these old fossil fuel burning vehicles are detrimental to the environment; we simply know better and should behave accordingly. Gasoline is an accelerant. These test and tune events are proposed for a time of year when the area is tinder dry. Should there be an accident resulting in fire having one pumper truck on site is not going to suffice. I'm across the road and up the hill but it's nothing for a fire to jump the road. Not to mention there is one road out.



One final item to consider, insurance: when the Comox Valley Logging Road closed to us as an access point our insurance cost increased by 60% because with this closure we are now ½ km outside of the boundary. Are the CVRD and/or the Society prepared to offset the resident's costs for insurance? I can only assume that should such an activity been known a regular occurrence and this too may very well affect our insurance. It may affect our ability even to get fire insurance. In any event these costs are real and very easily substantiated unlike market values and devaluation of property – which I suspect could be substantiated too, over time.

Thank you for your consideration. I appreciate everyone's time, dedication and service and trust you will do your best to make an informed and just decision.

Respectfully,

Personal information  
removed

Property owner & resident, Forbidden Plateau



## *Seasons Greetings from Smit Field and the Van Isle Airfield society*

While we have had the chance to talk with many of you, we realize that some of you may still be missing information on who we are and what we have been up to.

We are a group of long-time friends and family of the owners of Smit field and were given the opportunity when they started improving the runway to use it to test and tune our cars. After a lot of thought and discussion we settled on three weekends a year that fit in before our off-island race schedule and avoid any long weekends. We are not or ever will be a commercial venture, but a private group of likeminded enthusiasts given the opportunity to raise substantial money for local charities while having fun family weekends testing and improving the performance of our cars and improving our skills as drivers. We understand our cars are loud and are very appreciative of the tolerance we receive from the neighborhood. To minimize our disturbance to the neighbors we limit ourselves to 4 hours a day of noise broken up with a charity BBQ break for lunch. This adds up to a total of 24 hours a year of disturbance over our three weekend events. To date we have run three successful charity test and tunes and at no time plan on expanding our number of participants or the amount of events. We hope to continue our limited schedule until a permanent home for drag racing can be realized elsewhere on the island.

We have received an overwhelming amount of support and input from the neighborhood and have taken all suggestions seriously, implementing everything we have been able to minimize any negative impacts on our neighbors and are happy to continue working with our neighbors in the future. As part of that process we have applied for a Temporary Use Permit through the Regional District that specifies the dates, times, and number of participants for our charity weekends. This adds another level of oversight and certainty beyond our word that we have zero plans to expand what we have started. If you have any questions, comments, concerns, or would like to get involved or support us we would love to hear from you and get to know you better.

*Merry Christmas and Happy Holidays,*

Kevin Griessel (Co-owner of Smit Field)

250 702 0416 or [j.griessel@hotmail.com](mailto:j.griessel@hotmail.com)

Ken Peterson (President of Van Isle Airfield Society)

250 650 8166 or [Kpeter719@gmail.com](mailto:Kpeter719@gmail.com)

December 4, 2019

312020 HUP 3019  
REC  
DEC 05 2019  
Dir Grieve  
cc Dir Hamir  
Dir Arbour  
B. Labat

Dear Edwin Grieve,

My name is Dan Annand and my family was one of the first settlers in the Comox Valley. The old regional district office, on Headquarters Road by Georges P. Vanier, was my family's Farm. Last summer at our family reunion, held at Gartley Point in Royston, we had over 600 attendees. That farm was one of our early settlement farms as well and is still owned by family. My wife's family was also an early settlement family; settling in Denman Island, Hornby Island, Buckley Bay, Union Bay and Cumberland. At her family reunion last summer there were over 200 family members in attendance that still live in those areas.

My family has been, and still is, involved in the community in many ways such as, teachers, a Mayor, Doctors, Authors, as well as two tenured professors at UBC who all still contribute to the Comox Valley. Personally, I have volunteered with the Boy Scouts, Kiwanis, Kinsmen, Courtenay Fish and Game, and Rotary. Additionally, I volunteered to prepare and paint the snow bird aircraft currently on display on the pole at the Visitor Information Centre in Courtenay. I have served on the board, as a Director and as President, of the Courtney Airpark Association for 13 years. I also contributed to the restoration of the Forbidden Plateau Road ski area.

As the co-owner of Smit Field, on Forbidden Plateau Road, I have built a parking lot for hikers using the trails in this area and have helped maintain the trails. I also help maintain other hiking trails behind Union Bay. I've worked with Department of Fisheries and Oceans as well as BC Hydro to enhance spawning in the Puntledge River. Recently I have worked with conservation officers to rescue a deer that had a plastic gas cap stuck on its hoof. In the last two years I hosted two charitable functions at Smit Field: Jeepapalooza and Test and Tunes for the Van Isle Runway Society. These functions raised over \$80,000 for local charities.

Since I started hard surfacing the runway for my amphibious aircraft, I have had several offers to entertain aviation-related activities for charity such as, fly-ins, air shows, glider towing and sky-diving. These types of aviation activities would create more disruption and environmental impact, in the form of large public crowds, noise, leaded gasoline and Jet B Fuel, than the periodic noise created from clean burning cars burning unleaded fuel doing Test and Tunes. I feel that allowing the Temporary Use Permit (TUP) Test and Tunes to continue and restricting air traffic is a fair compromise, especially as test cars burn clean with unleaded fuel as opposed to leaded fuel from aircraft.

We have the overwhelming support of the neighbours and of the community. As my family and friends have supported you in the past, because of your views of the community and environment, I would hope that you will support the minimal environmental impact and let these worthwhile fundraisers continue.

Yours sincerely,

Dan Annand

[REDACTED]

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**From:** [REDACTED]  
**Sent:** December 6, 2019 12:07 AM  
**To:** Planning and Development Services  
**Cc:** [REDACTED]  
**Subject:** Smit Field Test and Tune Charity events

To whom it may concern;

I am sending you this email/letter to inform you that I support of the testing/tuning charities running at Smit field. I have resided at 4323 Forbidden Plateau Rd for the last 16 yrs. I also am a frequent user of the park and trail network next door to field and have many friends who also live on the Forbidden Plateau Rd. These charities events were only held once in April or May, once in July, and once in September. My house is not far down the rd from Smit Field and I could not hear the noise. I do some maintenance on the Trail network that neighbours the field and I have received nothing but support from the owners of Smit Field - they have even gone so far as to provide me access thru their pproperty to haul in some materials to the trail network, thus reducing how much we had to haul by hand by kms.

My understanding is that they have raised thousands of dollars towards charities for these events and I am all in favour of a little noise for 3 days out of 365 in exchange for their charitable donations to organizations in need of funding.

It seems as though these folks have taken input from the neighbourhood, taken this seriously, and try to minimize and negative impacts on the neighbours. I think they also may have even bought Carbon Tokens(not sure of exact phrase) to offset their carbon footprint for the event. They seem totally willing to work with neighbours so that they may continue to raise money for Charities while they run their test and tunes.

I am all in favour of them having these test and tune charitable events at the Smit Field in the years to come.

Sincerely,  
Tracy Kindrachuk  
4323 Forbidden Plateau rd

[REDACTED]

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**From:** [REDACTED]  
**Sent:** December 5, 2019 6:16 PM  
**To:** Planning and Development Services  
**Subject:** Smit Field

Hi,

My name is Ian Woodason, I live at 4971 Forbidden Plateau Rd.

I am in full support of Smit Field and their plans to hold a test and tune for the drag cars.

Ian Woodason

To The CVRD Directors,

December 5, 2019

### **Reasons to deny the TUP for Drag Racing Test & Tune on Forbidden Plateau Road.**

I previously wrote a letter to the CVRD directors before the November 4 meeting (and before I knew that the staff had recommended acceptance of the TUP) and I believe that all 18 points I made are still valid and compelling reasons as to why the TUP should be denied. However, during that meeting, and subsequent meetings, a few other reasons to deny the TUP have arisen.

#### **Why obliged?**

I don't understand why the regional district staff (and possibly some directors) feel obliged to make allowances for an activity that is not allowed under current land use – the minimal benefits for a small group of people just don't justify the activity. Drag racing or Test & Tune is not necessary for anyone (they don't NEED to practice, and there are other venues for them to race their cars throughout the season), has very little value for only a few people (a few dozen according to their numbers), does harm to the environment, and will have a very negative impact on the lives of some of the neighbours.

#### **Temporary?**

A Temporary Use Permit that can be renewed again and again and again doesn't seem like it is temporary. Shouldn't there be a limit on how many TUPs are issued for a type of activity on a property?

If you consider the development that the landowners have already put into the drag strip (1200 ft concrete drag strip and a 1,000+ ft berm), it doesn't appear that they are planning for a temporary use.

#### **Recent Published Article**

The misinformation and threats of future actions (and withholding of kind deeds) evident in the recently published article (see link below) by one of the landowners of the subject property lead one to question why would the CVRD allow a TUP when the owners have such disrespect for the CVRD, the neighbours and the environment? Please read the article accessed by the following link (Note: I did not participate in this article in any way).

<https://decafination.net/2019/11/26/smit-field-owners-neighbours-cvrd-rural-directors-clash-over-testing-of-drag-racing-cars/>

#### **Act of Nuisance**

It has recently come to my attention that the if the CVRD allows the TUP to proceed the landowner (& CVRD?) may be subject to an actionable tort of nuisance.

“A person (or organization) is said to have committed the tort of nuisance when he is held to be responsible for an act indirectly causing physical injury to land or substantially interfering with the use or enjoyment of land or an interest in land where, in the light of all the surrounding circumstances, this injury or interference is held to be unreasonable. Street, Law of Torts at P.215.

An actionable private nuisance exists when the plaintiff suffers unreasonable damage to, or unreasonable interference with the enjoyment and use of the plaintiff's property, as an indirect result of the defendant's use of property, where the determination of this “unreasonableness” depends upon all

the circumstances of the situation, with no single factor being determinative.” The Law of Nuisance in Canada, First Edition 2010, Pun and Hall at P.57

He who causes nuisance cannot avail himself of the defence that he is merely making a reasonable use of his own property. **No use of property is reasonable which causes substantial discomfort to others.”**

### **Conclusion**

My wife and I purchased our home more than twenty years ago as our forever home – we have lived here longer than either of the owners of the subject property, even before the airstrip was built. We have put many thousands of hours and many hundreds of thousands of dollars into making this our dream property – please don’t allow the TUP which may force us to move (like several of our neighbours have already done).

Sincerely,

Paul Rebutt

4767 Forbidden Plateau Road

[REDACTED]

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**From:** [REDACTED]  
**Sent:** December 6, 2019 9:06 AM  
**To:** Planning and Development Services  
**Subject:** Drag strip

To whom this may concern;

Hi my name is Brandon Smith and I own the house across the street at 4764 forbidden Plateau Road and we're just letting you know that we fully support the drag racing strip and all that charity work that goes on across the street we do not have a problem with this.

Thanks Brandon Skith

Sent from my Samsung Galaxy smartphone.