

JUAN DE FUCA LAND USE COMMITTEE

Notice of Meeting on Tuesday, **September 16, 2014 at 7:00 p.m.**

Juan de Fuca Local Area Services Building, #3 – 7450 Butler Road, Otter Point, BC

SUPPLEMENTARY AGENDA

1. Correspondence received to be dealt with under the following agenda item:
 - a) Agenda Item 6 a) Development Permit with Variance Application
DP-08-14 - Lot 1, Section 31, Otter District, Plan 7179 (7951 West Coast Road – Currie)
 - Fruttarol, Danica and Louis, Otter Point
 - b) Agenda Item 7 a) Development Variance Permit Application
VAR-02-14 - Lot B, Section 51, Otter District, Plan VIP82573 (Tregear Road – Tregear)
 - Fader, Jill, Otter Point
 - Robinson, Jeff and Currie, Regan, Otter Point
 - Smith, Linda, Otter Point
 - Bryson, Lindsay and Jeff, Otter Point
 - Young, Kat, Otter Point
 - c) Agenda Item 8 a) Official Community Plan Amendment and Rezoning Application
Z-03-14 - Lot 1, District Lot 147, Malahat District, Plan 22170 (3932 Trans Canada Highway - Victoria Humane Society)
 - Cung, David, Malahat
 - Eller, Bill, Malahat (x2)
 - Murphy, Patrick and Sarella, Malahat
 - Eller, Sheila, Malahat
 - Gordan, Al and Margie, Malahat
 - Shand, Ardath and Kellie, Malahat
 - Bond, Kim and Jeff, Malahat (x2)
 - Tyler, Matt and Scheck, Tanya, Malahat
 - Rainey, Shirley, Malahat (subject property owner)
 - Harms, Doug, Malahat

Wendy Miller

From:
Sent: Tuesday, September 16, 2014 11:52 AM
To: jdf info
Subject: Development permit Lot 1 Section 31 Otter District Plan 7179 - 7951 West Coast Road

Hi June;

Further to the abovementioned notice of intent we would like to address 2 main concerns. The perc tests were done right next to our home, as far as we know, and are concerned about the location of the septic system/field as this is very close to the house. Also we are wondering if the owners of 7951 will be blasting rock and are concerned about the effects this will have on our property.

Please bring these concerns forward at the September 16 meeting of the Juan de Fuca Electoral Area Planning Office.

Thank you. We are the owners of

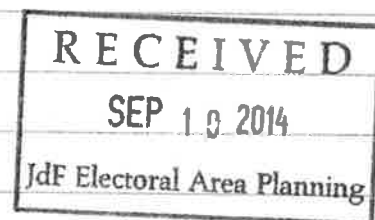
Sincerely

Danica Fruttarol

Louis Fruttarol

Jill Fader

my concern is that there isn't
water in the ^{TREGEAR} proposed subdivision.
If allowed to subdivide ^{a lot} then
there will be 2 wells instead of
one and make the lack of
water a bigger issue. The
subdivision of Lot 1 will set
a precedent that other lots
can be subdivided & consequently
increase the demand on the
water system.



Wendy Miller

From:
Sent: Tuesday, September 16, 2014 7:55 AM
To: jdf info
Subject: Tregear rd

Hi, we are owners of the property that this variance will affect. We do NOT want more homes beside us. We already have water issues as is, the more homes the less water we are going to have. Also septic run off of all those homes as well. It all runs down hill. We are against this perposal and strongly disagree! Please contact us with further infomation with this matter.

Jeff Robinson and Regan Currie

Wendy Miller

From: Linda Smith
Sent: Tuesday, September 16, 2014 12:28 PM
To: jdf info
Subject: file VAR-02-14

In response to your letter of Sept 2, 2014, I reside at _____ and am most definitely opposed to this proposal for several reasons.

This is a proven water poor area. Wells routinely go dry during the summer forcing the property owners to buy water. Because there is no current regulations on when one has to prove water it creates an unrealistic picture of the available water source. Most properties do have water during the wet months but present a very different picture as the summer approaches.

In this area, myself included, there are mostly surface wells, and there is a very valid concern of septic runoff polluting these wells. It is my understanding that there is no regulations on when perc tests need to be done and during the wet months it can quickly change. This property is uphill from many surface wells.

The property in question, is owned by the same person that owns all of the other properties on Tregear Road, with the exception of (I believe) one, which he has already sold. There is a further concern that if this subdivision goes through it will set the stage for the other properties along Tregear Road making the above mentioned concerns even more serious. The owner has a history of other developments in the area (Eaglercrest Drive being one) that got approval and have left the buyers with lots of problems with water and the considerable expense involved. It is a concern, by many, that when developers try to work the system to accommodate their wishes, often not living in the area, as is the case with Mr Tregear, they are the ones that profit leaving the buyers and neighbouring properties with the financial hardships and environmental disasters resulting from it.

I hope these mistakes are something we can learn from rather than repeat.

Linda Smith

Wendy Miller

From: Jeff Bryson
Sent: Tuesday, September 16, 2014 1:01 PM
To: jdf info
Subject: Development Variance permit Application Lot B, Section 51, Otter District, Plan VIP2573-Tregear Rd

Committee Of the CRD,

My husband and I own property within 500 meters of the subject property. We strongly oppose these changes for a subdivision plan on Tregear rd.

Allowing this will only open up the door for developers to continually do the same. Most residents of this community, ALL have WATER issues in one way or another. We share many creeks and streams with neighbors around us. More well drilling and subdividing will only add to the problems that exist in Otter Point and adding more homes in an area that struggles with such water issues is concerning.

Thank You

Lindsay&Jeff

Eaglecrest Dr
Otter Point

Wendy Miller

From: Kat Readman
Sent: Tuesday, September 16, 2014 3:26 PM
To: jdf info
Subject: Concerns regarding development of Lot B, Section 51, Otter District, Plan VIP 82573

Good afternoon, I am unable to attend the Land Use Committee meeting this evening to discuss any concerns my family has with regards to the subject permit application.

I have read the staff report online and have concerns that the property in question was already subdivided to allow for development. The owner now wishes to further sub-divide for a family member. It is my understanding that there is currently not a dwelling on the property, what guarantees are there that the subdivision be allowed for a family member pursuant to Section 946 of the Local Government Act, that one, or both of the properties will then be sold? Will the current well be used by both properties? Several properties within the local area were divided in the past (mine being one of them) where two or more houses now share driveways and/or wells. The availability of water for both properties (if a second well is not drilled) is an issue - we often do not have any water pressure if our neighbours are doing laundry, having showers, etc. Is the intention for two related families to take up residence on the divided property? or will one, or both properties be sold one residences are built?

Thank you for considering my concerns,

Kat Young (Readman)

Wendy Miller

From: Dave Cung
Sent: Friday, September 12, 2014 10:19 AM
To: Wendy Miller
Subject: Humane Society rezoning App

Hi Wendy

I would like to oppose the application for rezoning to consider an animal shelter. I live on 10 acres at

. We also have a 2.7 acre oceanfront lot that is going to be developed in the near future.

I love animals. But could not imagine the thought of waking up or trying to sleep while animals are on rehab. Its a very quite and peaceful wilderness in our area right now. And we would love to keep it that way.

Best regards,

David Cung

Wendy Miller

From: Wendy Miller
Sent: Friday, September 12, 2014 11:01 AM
To: Wendy Miller
Subject: Z-03-14 (3932 Trans Canada Highway - Victoria Humane Society)

From: William B. Eller
Sent: Friday, September 12, 2014 10:59 AM
To: Wendy Miller
Subject: RE: Z-03-14 (3932 Trans Canada Highway - Victoria Humane Society)

CRD c/o Wendy Miller,

I own TWO properties in immediate proximity to the Application for the Victoria Humane Society.

I am OPPOSED to this Application. Requesting that the Applicant provide a process for "Noise Complaints" means there WILL BE offensive noise. We moved to the Malahat to get away from NOISE, and this Application, if approved, is certain to emit both offensive noise and odours. No "complaint process" will remedy the ongoing nuisance for noise and smells ... once it's operational ...

OPPOSED ... vigorously.

Bill Eller

Malahat, B.C.

Wendy Miller

From: Wendy Miller
Sent: Monday, September 15, 2014 10:02 AM
To: Wendy Miller
Subject: FW: Z-03-14 (3932 Trans Canada Highway - Victoria Humane Society)

From: William B. Eller
Sent: Monday, September 15, 2014 9:52 AM
To: Wendy Miller
Subject: RE: Z-03-14 (3932 Trans Canada Highway - Victoria Humane Society)

Wendy,

For the record as well, Wendy, I have a Water License on Camsusa Creek, downstream of the Applicant's property, and I'm desperately concerned that the wastes arising from the proposed operations of the animal shelter, i.e. urines, fecal waste and dead animal carcasses will contaminate Camsusa Creek, which is less than 100m from the subject property.

Bill Eller

Wendy Miller

From: Patrick Murphy
Sent: Friday, September 12, 2014 2:22 PM
To: Wendy Miller
Subject: Z-03-14 (3932 Trans Canada Highway - Victoria Humane Society)

Hi Wendy,

We purchased the property at _____ and built a home on this property in 2012. We have read the:

REPORT TO JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, SEPTEMBER 16, 2014.

We are adamantly opposed to providing a zoning variance on the property described in this report for the Victoria Humane Society. We chose this site to build our home because of the peace and quiet it provides us. We've spent well over \$1M building our home here and we don't want that investment to depreciate due to noise and foul odors in the neighborhood. My wife was a volunteer at the Northeast Los Angeles animal shelter for several years and she is well aware of the noise that is created. We plan to fight this proposal.

Sincerely,

Patrick and Sarella Murphy

Wendy Miller

From:
Sent: Friday, September 12, 2014 5:39 PM
To: Wendy Miller
Subject: Victoria Humane Society Malahat

Hello Wendy,

I am an owner of [redacted] adjacent to the applicant's property. Three years ago my husband and I also built a home at [redacted] I. We have a rather large investment in this immediate area and were shocked to here about this proposed amendment to the bylaws, especially after reading what the implications may be.

We moved here for the quiet and can easily hear ONE dog barking at some distance. I can see our peace and quiet dissolving and our property values plummeting if this proposal is approved and therefor will vehemently oppose this initiative.

Sincerely,
Sheila Eller

Wendy Miller

From: Al Gordon
Sent: Sunday, September 14, 2014 10:12 AM
To: Wendy Miller
Subject: Re: proposed animal shelter.

Hi Wendy

My wife and I are definitely opposed to a animal shelter being located in the vicinity of our home. We live at [redacted] and have 2 lots with a total of over 40 acres. Our taxes are well over \$20k/ year and would expect with that amount of contribution nothing like this would ever be located close to our home.

I would think that there are other areas that would be better suited that would absorb the noise that would be generated from this type of establishment.

We will continue to actively oppose this location and would hope that we are kept informed of your dialog and open discussion that should occur with this.

Regards

Al & Margie Gordon

Wendy Miller

From: Ardath & Kellie
Sent: Sunday, September 14, 2014 3:01 PM
To: Wendy Miller
Subject: Opposition to: Z-03-14 (3932 Trans Canada Highway - Victoria Humane Society)

RE: Opposition to: Z-03-14 (3932 Trans Canada Highway - Victoria Humane Society)

Please register our opposition to this proposed bylaw change.

We are completely and utterly opposed to any modification of the existing Zoning.

We live at . We bought the property, built a house on our 4 acres and plan to live here for the foreseeable future, primarily because of the residential nature of the area.

The proposed bylaw change is too vague and not definitive. It opens the door to a giant project that could involve hundreds of animals, of multiple species and dozens of people on the site at one time. It gives free rein to volunteers who consider animal welfare paramount to any human concerns.

It could in fact be a large business albeit perhaps a non-profit (Retail Store, Crematorium, Veterinarian, Animal Hospital, DUMP, graveyard).

We are opposed to the diseases from the animals that could be introduced to the area - airborne and underground water via Camsusa Creek - and affect the native animal species.

We are opposed to the infiltration of animal rescues from other countries.

We see no mechanism to effectively deal with complaints that arise.

In the document we read we see no limitation on noise, smell or number of animals.

The letter mentions having up to 25 dogs at Calmfort Kennels with no noise complaints; there is no information the actual decibel level, or how close the neighbours are.

There is nothing at all about odours. It makes no mention of animals other than dogs.

It does not address the issue of capacity of animals or whether the capacity might be exceeded..

The bylaw contains many subjective and not defined terms.

Once again, **WE OPPOSE ANY CHANGES to the EXISTING BYLAW.**

Ardath and Kellie Shand

Malahat, BC

Wendy Miller

From: Kim Bond
Sent: Sunday, September 14, 2014 8:54 PM
To: Wendy Miller
Cc:
Subject: RE: Z-03-14 (3932 Trans Canada Highway - Victoria Humane Society)
Importance: High

CRD c/o Wendy Miller,

We own the property below the proposed application. We have owned this property since August, 1997, and we made the purchase because of the solitude, quiet, and wildlife that it brings to our lives. Recently, in 2011, as our children have grown, we have spent our life savings building our dream, retirement home here, not to mention the years of hard work preparing the land for this venture. Our home is within the 500 meters of the proposed land purchase of the Victoria Humane Society (V.H.S.) and we have concerns including noise, odor, and also our dog leaving our property to investigate any barking dogs that would be housed above us.

We feel if this proposal goes through, it will undoubtedly change our way of life here. In June, 2014, Penny Stone contacted us to inform us of her intentions for the V.H.S. on the proposed site. After our phone conversation we decided to meet with her to listen to her ideas and get a sense of her intentions. We also talked to the CRD and were told that if one neighbor said 'no' then it is a "done deal". We were told by Penny herself that if we, or any of the neighbors disagreed with her proposal that she would NOT pursue this as a viable site for her operation.

After speaking with the neighbors that own adjoining properties to the proposed site, we concluded this would decrease property values and could certainly compromise our daily lives; therefore, we all agreed to say no to her proposal. After letting Penny know of our decision, she told us 'thank you for being honest' and 'she understood why we would say no.' Now we are asking ourselves why it has gotten to this point (ie. Meeting of September 16, 2014). Hopefully this meeting is just a formality to end this proposed application, as we strongly oppose it.

Sincerely,
Kim and Jeff Bond

Wendy Miller

From: Kim Bond
Sent: Monday, September 15, 2014 9:50 PM
To: Wendy Miller
Cc:
Subject: re: Meeting, Tuesday, September 16, 2014, Victoria Humane Society

Hi Wendy, we have some other concerns that have come up since our previously sent email to you. We are concerned that animal feces and urine will make its way down to the pond and creeks on the proposed site and ultimately flow down the creeks through our property and eventually into Finlayson Arm. We also have a water well on our property that we would be concerned about contamination. We understand that it would be easy enough to clean up after the smaller animals but for any larger ones it would potentially be impossible to contain their waste. The CRD has stipulated that we are not to build (or keep our portable sawmill) any closer than 30 meters from these creeks (riparian zone). We believe it will be difficult for the Victoria Humane Society to successfully abide by this rule and we foresee animal waste and associated problems damaging these pristine creeks and riparian zones - not to mention the less fortunate animals who become deceased (pet cemetery?)

Sincerely,
Kim and Jeff Bond

Wendy Miller

From: matt tyler
Sent: Sunday, September 14, 2014 10:23 PM
To: Wendy Miller
Subject: Opposition of 3932 Trans Canada Hwy

Dear Wendy Miller,

I am the joint owner (along with my wife, Tanya Scheck) of _____, Malahat. I am writing you to make you aware of our strong opposition to the application allowing the operation of Victoria Humane Society at 3932 Trans Canada Highway.

We bought this lot and constructed our house here in 2007 believing we had found an amazing residential yet rural and peaceful neighbourhood. We built our home using significant amounts of savings but also saw it as an excellent investment for the future. I am certain having Victoria Humane Society virtually next door, not to mention the associated excessive noise will instantly change our tranquil surroundings but also significantly devalue our property valuation. The fact that not only myself but also all my surrounding neighbours oppose this application, can only indicate that any future potential buyer would also have second thoughts about buying any of our properties with Victoria Humane Society in the immediate vicinity.

It is for these reasons that again we adamantly oppose this application.

Matt Tyler

Malahat BC VOR 2LO

September 16, 2014

To whom it may concern,

My name is Shirley Rainey. I've lived at 3932 Trans-Canada Highway for 42 years. When my husband John and I purchased the property, it was residentially zoned, but within 2 years we had rezoned it to campground use with the intention of creating a space for happy campers. Over the years John and I prepared the land and made plans, but we never did implement the use commercially. In the meantime life happened. We raised a family, built a hobby farm, and ran a B&B. The place was at times loud and boisterous, what with children and chickens (and roosters), ducks and dogs, geese, goats and guests. We also kept horses, pigs, and a few cats. The "MalaHUT", an accessory building, hosted many gatherings of friends and family and the outdoor pool was regularly full of children loudly splashing and playing.

My husband was often out rumbling around in the old tractor, working on the land. He put in trails and roads and campsites all over the property. Many a weekend he and our boys would tear around the property on their motorbikes, using those same trails as a racetrack with their friends.

It was an active place!

Being on 12 acres, we never heard the neighbours, and we did not receive any comments or complaints about our goings on. In reality, the main noise audible here is the Trans-Canada-Highway, which is almost always in the background.

I'm selling now because 12 acres is getting to be too much for one person to handle and I'd like to live closer to town and family. Our vision for the property was as a family-run campground, but the current campground zoning would also allow for any number of commercial variations which could substantially change the landscape and bring additional noise and traffic within the use permitted now.

I believe changing the zoning to accommodate the Victoria Humane Society's specific needs would bring the property back to life and preserve it in many ways. It would be good to know that animals are once again living there. My husband loved his animals too, and I know it would have made him very happy to know the Humane Society was moving in.

In summary, I support the rezoning and wish the Victoria Humane Society all the best in their pursuit.

Sincerely,



Shirley Rainey

Owner 3932 Trans-Canada Hwy

Wendy Miller

From: Wendy Miller
Sent: Tuesday, September 16, 2014 3:31 PM
To: Wendy Miller
Subject: Add to Package for tonight's JdF Land Use Committee Mtg

----- Forwarded Message -----

From: ...
To: ...
Sent: Thursday, September 11, 2014 12:43:56 PM
Subject: Rainey Property

Penny,

Thanks for the call last night outlining your plans for Shirley's property. While I was not really concerned about your plans for the property to begin with, after our conversation I am quite enthused about the possibility of having the Victoria Humane Society located in our neighbourhood.

It is obvious that you have a good plan in place to make this work with little/no disruption to the neighbours. The location of the property is ideal and I can't imagine that any neighbour would be concerned given the distances between Shirley's house and the nearest dwelling and after educating themselves to what you have planned.

Best of luck. I hope things go smoothly. Let me know if you need anything else. My son hopes that he will be able to visit when you move in to help with the dogs.

Doug

Doug Harms