

JUAN DE FUCA LAND USE COMMITTEE

Notice of Meeting on Tuesday, **July 20, 2021, 2021 at 7:00 pm**

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

SUPPLEMENTARY AGENDA

1. Additional information received for the following agenda items:
 - a) Agenda Item 6 a) LP000021 - Section 42, Otter District (2540 Aythree Way)
 - Jo Phillips, Otter Point
 - Annette Moyer and James Isram, Otter Point
 - Heather Phillips, Otter Point
 - b) Agenda Item 7 a) DV000077 – Lot 3, Sections 45-A and 46-A, Highland District, Plan 22641 (6606 Mark Lane)
 - John Porter, Willis Point
 - Mark and Dianne Twamley, Willis Point
 - c) Agenda Item 7 c) DV000080 – Lot A, Section 7, Otter District, Plan VIP75055 (8709 West Coast Road)
 - William K. Collin and Beverly Collin, Otter Point
 - Heather Phillips, Otter Point
 - Paul Shorting, Otter Point
 - d) Agenda Item 9 a) Bylaw No. 4412, “Land Use Bylaw for the Rural Resource Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 8, 2021” and Bylaw No. 4413, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 151, 2021” (Outdoor Recreation)
 - Heather Phillips, Otter Point

jdf info

From: j phillips
Sent: Monday, July 12, 2021 1:03 PM
To: jdf info
Subject: submission re: Tower Application LP000021 letter

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To the CRD Juan de Fuca Community Planning.....

As a resident living within the 500m unsafe limit for cell antenna radiation I am declaring my objections to the siting of a 45m antenna on property #42 Clark Rd. and Aythree in Otter Point.

Communication antennas do not need to be sited near residences. They lower property values and are a danger to people, animals, plants, including trees, and insects, especially pollinators. In the neighborhood are several organic farms and an apiary, not to mention children and elderly people.

I am including at the end of this page a list of peer reviewed studies detailing the serious health effects of living near a cell tower. I realize that the Canadian Safety Code 6 declares that the radiation from cell antennas is safe and that's what you currently go on, so you are likely not accepting safety studies as a valid objection to this antenna siting. I am including them anyway so you cannot say you were not informed about the health effects of living near a tall and loaded antenna.

I encourage you to keep in mind that the safety of cell antennas on humans, animals, insects and plants is starting to be legally challenged in several places in the world and, understanding the current precariousness of safety claims such as Canadian Safety Code 6, no major insurers will cover health claims due to RF exposure. As has happened in many instances of a government body declaring something to be safe when studies questioning these claims were not being reviewed and/or made public (glyphosate, tobacco, viox, teflon, silicon breast implants, asbestos, to name a few), there is a good chance that there could be cell antenna safety liability lawsuits in the future if someone living near such a tower develops one of the cancers very clearly associated with them or other long term health problems occur in residents or farm animals. In fact, a Dutch court just ruled that cell phone towers' low EMF radiation cannot be excluded as a cause of health effects. *"In the opinion of the court, considering all arguments, with reference to scientific literature, it cannot be ruled out that even at a field strength lower than 1V/m, and therefore also in the plaintiff's case, there are increased health risks"*. It seems advisable under all these circumstances to consider abiding by the precautionary principle and not site such a large and loaded antenna near residences.

As an example of possible health effects, here is a summary of a very recent study on the long term effects of exposure to **low level EMF radiation** (levels far lower than those considered safe by Canada Safety Code 6) done by a Swiss expert group that advises the Swiss government.

"...a tendency becomes apparent that EMF exposure, even in the low dose range, can lead to changes in oxidative balance. Organisms and cells are generally able to react to oxidative stress and many studies showed adaptation to EMF exposure after a recovery phase. Pre-existing conditions such as immune deficiencies or diseases (diabetes, neurodegenerative diseases) compromise the body's defense mechanisms including oxidative protection and it is therefore possible that individuals with these conditions experience more severe health effects. In addition the studies show that the very young and elderly individuals can react less efficiently to oxidative stress induced by EMF, which, of course, also applies to other stressors that cause oxidative stress."

In case you are wondering what the possible health effects of oxidative imbalance are, they note that *"oxidative imbalance has an effect on many important physiological processes and functions such as inflammation, cell proliferation and differentiation, wound healing, neuronal activity, reproduction and behaviour by altering biochemical processes or even leading to DNA damage....In particular changes in cell proliferation and differentiation are closely related to carcinogenesis and the growth and development of organisms"*.

To read the entire study: <https://www.bafu.admin.ch/bafu/en/home/topics/electrosmog/newsletter-of-the-swiss-expert-group-on-electromagnetic-fields-a.html>

Other recent studies on the health effects of living near cell towers can be found at:

Environmental Health Trust

<https://ehtrust.org/cell-towers-and-cell-antennae/compilation-of-research-studies-on-cell-tower-radiation-and-health/>

Physicians for Safe Technology

<https://mdsafetech.org/cell-tower-health-effects/>

Sincerely,
Jo Phillips

To the CRD Board,

I have written about my concerns regarding this project before and received a response from the CRD's consultant on the project. While I appreciate the time given to the response we received, I do not believe that the CRD is listening to the community's concerns. I understand that from the perspective of the CRD the installation of this tower is a gain to the District as well as homeowners. However, as the homeowners in question, I do not feel that the tower is a positive addition to my community or property. There are relevant studies that dispute the 325 metre recommended distance and expand that radius to 400 metres, which we fall within and that was dismissed by the CRD's consultant. In terms of property value, I believe that the homeowners should have the choice whether to install a service that will affect their property value, whether positively or negatively. I wish the CRD would place greater value on the perspective of those within the community and give our concerns greater weight. Rogers is the primary and economic benefit, not the community.

Thank you again for your time and engagement,
Annette Moyer and James Isram

Wendy Miller

From: Robert Phillips
Sent: Sunday, July 18, 2021 8:43 PM
To: Wendy Miller; Bob and Heather Phillips
Subject: JdF LUC agenda item 6 a

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JUAN DE FUCA LAND USE COMMITTEE

Meeting on Tuesday, July 20, 2021 at 7 pm

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

Heather Phillips

July 18, 2021

Re: Agenda item

6. Radio Communication and Broadcasting Antenna Systems Application

a) LP000021 - Section 42, Otter District (2540 Aythree Way)

I have no objection to this tower installed for the uses described. There are two points I will comment on.

1. The planners' report mentions there is an active development permit, DP000291, issued for this property. The online record for development permit applications shows that an application for a development permit for "steep slope, riparian and sensitive ecosystems" for Sec. 42/42 on Clark Road (DP000219) was received in October 2018. It is not shown as an active permit.

The record shows DP000339 for "steep slopes" was applied for in April 2021 and is an active permit. This permit is for 2540 Aythree Way, Sec. 42/42.

2. The north end of the subject parcel is divided by something like a right-of-way. Since most of this right-of-way has been extinguished, I don't see any value to it but "nuisance" value. If the parcel is subject to rezoning, perhaps that section of right-of-way could be extinguished.

Heather Phillips

jdf info

From: JOHN PORTER
Sent: Saturday, July 10, 2021 1:51 PM
To: jdf info
Subject: DV000077

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I am an owner within 500 metres of the subject site.

I fully support the granting of a Development Permit with variance for the construction of a carport at 6606 Mark Lane
John Porter

jdf info

From: Dianne Twamley
Sent: Thursday, July 15, 2021 2:25 PM
To: jdf info; Dianne Twamley
Subject: Variance application

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Juan de Fuca Community Planning
3-7450 Butler Rd.
Sooke, BC V9E 1N1

July 20, 2021 meeting:

As neighbours to 6606 Mark Lane we want to let you know we support their Development Permit with Variance Application.

Lot 3, Sections 45-A and 46-A, Highlands District, Plan 22641- 6606 Mark Ln.

Mark and Dianne Twamley

William K. and Beverly G. Colin

July 14, 2021

Iain Lawrence, Manager
Juan de Fuca Community Planning
3 - 7450 Butler Road
Sooke, BC,
V9Z 1N1

Re - Development Permit with Variance Application D17000560
Lot A, Section 7, Otter District, Plan V175055 - 8709 West Coast Road

Dear Mr. Lawrence:

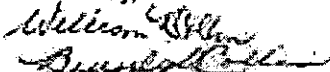
As share holders of the property at [Orveas Bay Estates], we have concerns regarding the proposed increase of lot elevation at 8709 WCR and the potential for drainage onto our property. We request that such runoff be confined (retained) to 8709 and not allowed to encroach in any way into 8707.

Furthermore, we are concerned about seawall adjustments forcing storm surges onto our property compromising integrity of our sea wall and or dwelling.

Please convey our concerns to the appropriate boards/individuals.

Thank you for your assistance.

Sincerely,


William K. and Beverly G. Colin

c.c. Paul Shorting, President
Orveas Bay Estates

Wendy Miller

From: Robert Phillips
Sent: Sunday, July 18, 2021 8:42 PM
To: Wendy Miller; Bob and Heather Phillips
Subject: JdF LUC meeting July 20 2021 Agenda item 7a) Development Permit with Variance DV000080

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JUAN DE FUCA LAND USE COMMITTEE

Meeting on Tuesday, July 20, 2021 at 7 pm

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

Heather Phillips

July 18, 2021.

Re Agenda item 7

7. Development Permit with Variance Applications

c) DV000080 - Lot A, Section 7, Otter District, Plan VIP75055 (8709 West Coast Road)

I understand that the "Gordon's Beach Recreation Residential 4" zone in CRD Bylaw No. 2040, the Juan de Fuca land Use Bylaw, was created in March of 2000 (Bylaw 2639) to make existing buildings legal that would otherwise be legal-non-conforming. My impression is that the community wanted to extend the usefulness of this parcel to the owner. Given the nature of the parcel, its usefulness is limited.

As is described in the Ryzuk Geotechnical report for the Proposed Residential Development, dated June 14, 2021, the proposed construction site is on a kind of natural berm shared with the West Coast Road. It is not stated that a wetland on the northeast will flood before the residential area, making evacuation in the case of flooding more difficult. The signs warning of highway flooding are in place. The tsunami warning signs were taken down.

Please clarify the intention of the zone as to rebuilding on the footprint of a residential building that is shown on a plan registered at the Land Title Office on April 16, 1995. The Ryzuk report dated June 14, 2021, says an original cottage on the site has been demolished. No date is given for the demolition. The planners' report says the variance is to allow replacement of an existing building.

Does the footprint of the proposed new residence fit either the original or the existing cottage's footprint? Will the proposed variance permit a larger footprint? The Ryzuk report says, "We understand that...the 15m setback may render the existing lot sterile to development..." As above, clarification is requested. What part of the parcel is under consideration?

The CRD Regional Maps show thirty-three buildings numbered from 8645 through 8749 on one parcel but the information about what is registered in the Land Title Office indicates there is only one address for the parcel: 8645 West Coast Road. In the planners' report for the application, it is not clear whether a family, a corporation, or a strata corporation is the applicant. The planners' report refers to a "proposed strata plan" and the map of a strata plan is included as Appendix B. Please clarify.

The Ryzuk report dated June 14, refers to reconstructing a seawall. There is a site photo looking southeast at the proposed development site. "An existing arrangement of stacked boulders" is described as a seawall at the southwest boundary of the property. The Ryzuk report also states that "we were noted involved with the construction of the original wall".

When was it built?

How much of the shoreline was it designed to protect?

How well did that work?

For how long?

Do we have enough information to feel confident that a section of seawall at this point (8709 West Coast Road) on Gordon's Beach will not cause more erosion, more quickly on either side of the reinforced section?

The planners' report says that Sec. 3.0 of Schedule D in Bylaw No. 2040 "allows coastal development to be permitted a setback of 7.5 m. from the natural boundary of the sea where the sea frontage is protected from erosion by...works designed by a Professional Engineer." As noted below, the QP seems to base the assessment of how effective the sea wall defence will be on an assessment of what society considers acceptable risk. The Ryzuk report and the planners' report both suggest the CRD should not accept any risk but instead place a covenant on the parcel exempting the CRD from consequences of any decision to allow the variances.

The Ryzuk Geotechnical Report dated March 23, 2021, is for a Flood Construction Level Assessment. It states that a Qualified Professional is qualified to assess what level of risk "society can live with given the perceived or real benefit that emerges by developing in a hazardous area" and also "what risks are broadly accepted by society". If the QP believes the risks are acceptable, they may say the development is "safe".

The report suggests that the fact that the slow sea level rise will allow residents and owners to remove themselves and their removable possessions ahead of the inundation means that the community should allow investment in properties where such damage will occur in the future. I do not agree.

I feel as if, in this case, society's "benefit" is interpreted as the benefit to the developer, and not the benefit or interest of the broader community. The QP report says that sea level rise is inevitable and there will be property damage. It says that sudden dramatic events such as a tsunami can not be predicted. Neither can violent wind storms that cause surges and overwhelm existing seawall defences. This has happened in recent years at the western end of Gordon's Beach. It is inevitable that it will happen again. The effort to assist and recover in such events comes from the community. Where the CRD might accept such a risk on behalf of future owners, I doubt any insurance company would have much tolerance for inevitable destruction of property.

If I were a member of the Land Use Committee, I would not recommend accepting the risks on behalf of the present residents and possible future owners of the subject property while excusing the CRD from responsibility. I would deny the variances requested so that any new residence will have to be built according to the existing limitations on the site.

Heather Phillips

Mr Ian Lawrence
CRD Community Planning
3-7450 Butler Road
Sooke BC

July 19, 2021

Re: Development permit with variance application DV000080, Lot A section 7,
Otter District Plan VIP75055-8709 Westcoast Road

Dear Sir,

As a shareholder within Orveas Bay Estates Ltd I am concerned regarding the above rebuild with the following questions:

- 1) In the past rebuilds were permitted on current footprints as long as they met the criteria as per CRD Bylaws and were not to be increased.
- 2) On this application why is the envelope of the building increased on the lower level when the South East corner of the past envelope was only a wind break and not totally enclosed?
- 3) When did the CRD bylaws change to allow accessory buildings (illegal / non conforming) to be attached and incorporated into total living space?

If there has been a change regarding increasing existing building footprints and when was this bylaw past? Also moving the actual building envelope within the property and adding existing accessory buildings to allow more liveable space when did this change occur?

Once again thank you for your time regarding the above and clarifying my questions / concerns.



Paul Shorting

Wendy Miller

From: Robert Phillips
Sent: Sunday, July 18, 2021 8:42 PM
To: Wendy Miller; Bob and Heather Phillips
Subject: JdF LUC July 20 2021 Agenda Item 9

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JUAN DE FUCA LAND USE COMMITTEE

Meeting on Tuesday, **July 20, 2021 at 7 pm**

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

Heather Phillips

July 18, 2021

Re: Agenda Item

9. Administrative Bylaws

a) Bylaw No. 4412, "Land Use Bylaw for the Rural Resource Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 8, 2021" and Bylaw No. 4413, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 151, 2021" (Outdoor Recreation)

Bylaw No. 4412 as presented in the report to the JdF LUC for July 20, 2021 reflects the recommendation of the Shirley Jordan River APC. With the amendment that supports limited outdoor recreation as a use in most zones in the Rural Resource Lands and those areas of the JdF Electoral Area covered by the Juan de Fuca Land Use Bylaw, I support Bylaw No. 4412 and Bylaw No. 4413.

Heather Phillips