

**Municipality of North Cowichan
Special Council
Public Hearing
AGENDA**

Tuesday, October 1, 2019, 6:00 p.m.
Cowichan Performing Arts Centre - Theatre
2687 James Street
Duncan, BC

Pages

1. CALL TO ORDER

2. APPROVAL OF AGENDA

Recommendation:

That Council approve the October 1, 2019 Council agenda as circulated.

3. PUBLIC HEARING

3.1 "Rezoning Application No. ZB000064 for "Zoning Amendment Bylaw No. 3761, 2019"

3.1.1 Mayor Siebring to call the Public Hearing to order and explain the Public Hearing process

3.1.2 Corporate Officer to provide a summary of correspondence received (as of Tuesday, October 1, 2019 at noon) as well as acceptance of any petitions or late correspondence

3.1.3 Director of Planning to introduce the application and provide an overview of his October 1, 2019 staff report

3 - 54

3.1.4 Presentation by the Applicant

55 - 65

The following individuals (on behalf of VIMC) will be co-presenting:

- Planner - Mark Holland, Holland Planning Innovations
- Archaeologist - Kira Kristenson, Madrone Consultants
- Environmental Consultant, Sarah Bonar, Aquaparian Consultants
- Engineers - Jeff Tomlinson and Jim Buchanan, JEA Engineering
- Sound Engineer, Ben Coulson, RDWI Consultants
- Community Relations, Marie Baynton

3.1.5 Mayor to call for submissions from the public on the proposed site specific zoning amendment

3.1.6 Final call for submissions (Mayor Siebring will ask 3 times)

3.1.7 Adjournment of the Public Hearing

4. BYLAWS

4.1 "Zoning Amendment Bylaw No. 3761, 2019" (third reading)

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Purpose: To consider giving third reading to "Zoning Amendment Bylaw No. 3761, 2019" - a bylaw to rezone three properties at Cowichan Valley Highway and Drinkwater Road to a new comprehensive Development zone.

Recommendation:

That Council give third reading to "Zoning Amendment Bylaw No. 3761, 2019" - a bylaw to rezone three properties at Cowichan Valley Highway and Drinkwater Road to a new Comprehensive Development Zone.

5. ADJOURNMENT

Recommendation:

That Council adjourn the October 1, 2019 Special Council meeting at ____ p.m.

Report

Date	October 1, 2019	File: ZB000064
To	Council	
From	Rob Conway, Director of Planning	Endorsed:
Subject	October 1 Public Hearing for Zoning Amendment Bylaw 3761 (Motorsport Circuit)	

Purpose

To provide additional information associated with Zoning Amendment Application ZB000064 prior to the public hearing for Bylaw 3761 on October 1, 2019.

Background

Council, at its regular meeting of August 21, 2019, considered Zoning Amendment Application ZB000064 and passed the following motions:

That Council approve first and second reading of Zoning Amendment Bylaw No. 3761 to rezone three properties at Cowichan Valley Highway and Drinkwater Road (PIDs 009-751-297, 029-201-675 & 014, 104-067) from I2 and C8 to a new CD21 zone.

That referrals be sent to the City of Duncan, the Cowichan Valley Regional District, Cowichan Tribes, the Sahtlam Neighbourhood Association, the Somenos Marsh Society, and the Cowichan Watershed Board; And That those referral agencies be given a minimum of 30 calendar days to provide a response before a public hearing is held.

That a Public Hearing be scheduled for Zoning Amendment Bylaw No. 3761 and that notification be issued in accordance with the requirements of the *Local Government Act*.

The application referrals have been distributed, the public hearing scheduled, and the hearing notifications sent.

This report is intended to update Council with respect to additional information received regarding the zoning amendment application since the August 21, 2019 Council meeting.

Discussion

Amendments to Applicant's Commitments:

The August 21 staff report included a letter from the applicant dated August 6, 2019 that listed a number of commitments made by the applicant in association with the rezoning application. In response to concerns about the initial commitments for restricting sound associated with the existing motorsport facility and proposed expansion the applicant has submitted a new commitment letter dated September 25, 2019 that amends the commitments previously. The current commitments are described in detail in the amended commitment letter (**Attachment B**). Should Council decide to

grant third reading to Bylaw 3761, a covenant would be registered against the subject lands to secure the commitments.

Note: The August 21, 2019 staff report incorrectly identified one of the applicant's commitments as allowing the motor vehicle and driver training facility to be used by the Vancouver Island Karting Association for up to 6 days per year. The actual commitment was and remains to allow the Karting Association to use the facility for a minimum of 6 days in year. It should also be noted that the applicant's commitments with respect to restricting sound levels now also apply to the go-kart use.

Application Referral Responses:

Following Council direction, Zoning Amendment Application ZB000064 and Zoning Amendment Bylaw 3761 were referred to the City of Duncan, the Cowichan Valley Regional District, Cowichan Tribes, the Sahtlam Neighbourhood Association, the Somenos Marsh Wildlife Society and the Cowichan Watershed Board. To date responses have been received from the Sahtlam Neighbourhood Association (**Attachment C**), the City of Duncan (**Attachment D**), Cowichan Tribes (**Attachment E**) and the Cowichan Valley Regional District (**Attachment F**).

The remaining referral agencies have been advised that responses must be submitted before the close of the public hearing in order for them to be considered by Council. Any referral responses received prior to the close of the public hearing will be provided to Council and included in the public hearing binder.

Acoustic Studies:

Much of the public discussion about the subject rezoning application has been about sound associated with the existing facility and proposed expansion and the impact of sound on the surrounding community. A number of acoustical impact assessments have been undertaken, as well as third party reviews of those assessment. In addition to the reports referenced in the August 21, 2019 staff report, the following information also now available on the Municipality's website at:

(<https://www.northcowichan.ca/EN/main/community/current-topics/vancouver-island-motorsport-circuit/vimc-related-records.html>) :

- Navcon Peer Review Report – Phase 1
- Navcon Peer Review Report – Phase 2
- SNA Ambient Noise Report
- Response to Navcon Peer Review
- Review of SNA Noise Impact Report

Options

Following the close of the public hearing, Council can consider third reading of Zoning Amendment Bylaw No. 3761. Options available include:

1. That "Zoning Amendment Bylaw No. 3761 (Motorsport Circuit), 2019" be given third reading.
2. That "Zoning Amendment Bylaw No. 3761 (Motorsport Circuit), 2019" be denied.

Registration of the restrictive covenant at the Land Titles Office and approval from the Ministry of Transportation and Infrastructure is required before adoption of the bylaw can be considered.

Recommendation

For information purposes (no recommendation).

Attachments:

Attachment A – August 21, 2019 Staff Report
Attachment B – September 25, 2019 Amended Commitment Letter
Attachment C – Sahtlam Neighbourhood Association Referral Response
Attachment D – City of Duncan Referral Response
Attachment E – Cowichan Tribes Referral Response
Attachment F – Cowichan Valley Regional District Referral Response.

Report

Date August 21, 2019

File: ZB000064

To Council

From Rob Conway, Director of Planning

Endorsed:



Subject Zoning Amendment Application No. ZB000064 (VIMC)

Purpose

To provide Council with information, analysis and a recommendation regarding an application to rezone three properties at Cowichan Valley Highway and Drinkwater Road to a new comprehensive development zone.

Background

Vancouver Island Motorsport Circuit (VIMC) operates a motor vehicle testing and driver training facility consisting of a paved motor vehicle circuit and clubhouse at 4063 Cowichan Valley Highway. The property on which the facility is located is "split zoned" with a portion of the site zoned Industrial Heavy (I2) and a portion zoned Commercial Recreational (C8). Development and building permits were issued for the facility in 2014/2015 and construction of the facility was substantially completed in 2016.

The owner of the VIMC has purchased land north of the 4063 Cowichan Valley Highway site with the intention of building a second motor vehicle circuit and associated works ("Phase 2") and has applied for a zoning amendment and a development permit to facilitate the expansion.

The I2 zoning that applies to much of the existing facility had previously been interpreted as allowing a motor vehicle circuit and clubhouse as a permitted use such that the existing facility was approved as compliant with Zoning Bylaw No. 2950. However, as the I2 zone does not explicitly permit "motor vehicle circuit facility" or a similar-type use, the applicant wishes to confirm conclusively that a motor vehicle circuit and related uses are permitted on the subject lands. The zoning application is intended to expressly define the uses that can occur on the subject lands and to establish zoning for the lands that is expressly aligned with the current and intended use of the subject lands as a motor vehicle circuit facility and related uses.

The rezoning application that is the subject of this report was originally submitted in July, 2017. After conducting public open houses in the spring and fall of 2018, the applicant amended the Phase 2 development plan and rezoning application to address issues and concerns identified by the public during the community consultation process. One noteworthy feature of the amendments made by the applicant is to the design of the proposed motor vehicle circuit. The applicant has changed the design of the four proposed crossings of Menzies Creek from crossings based on the installation of culverts in the creek to crossings based on pre-constructed bridge spans that will be placed over top of the creek. This approach is expected to have less impact on the creek and riparian zone adjacent to it, and will require less alteration to the landscape.

This report is primarily intended to provide a summary and analysis of the rezoning application as it currently stands, and provide options and recommendations for Council's consideration.

Discussion

Site Context:

The company that operates the VIMC facility owns five parcels of land (Table 1) located approximately north of the Cowichan Valley Highway and west of Drinkwater Road (See Attachment 1).

Table 1

Property Identification Number	Property Size	Zoning
023-918-217	8.6 ha. (21.25 ac.)	A4
009-751-327	43.04 ha. (106.36 ac.)	A4
009-751-297 (Section 4)	42.47 ha. (104.93 ac.)	I2
029-201-675 (Parcel A)	18.74 ha. (46.30 ac.)	I2 & C8
014-104-067 (Lot 3)	1.04 ha. (2.58 ac.)	I2

The proposed zoning amendment only applies to the three southerly parcels that are zoned I2 and C8 (See Attachment 2). The application does not propose any zoning change to the two northerly parcels that are zoned A4. The lands that are proposed for rezoning (PIDs 009-751-297, 029-201-675 and 014-104-067) are collectively referred to in this report as the "subject lands".

The subject lands are on the lower slope of Mount Prevost, on the Municipality of North Cowichan's western boundary, abutting land that is within Electoral E of the Cowichan Valley Regional District. They are comprised of (1) an 18.74 ha. parcel where the existing motor vehicle circuit and clubhouse are situated, (2) a 1.03 hectare parcel between the Cowichan Valley Highway and the existing facility that is primarily used for storm water management, a water storage pond and a highway buffer, and (3) a vacant 42.47 ha. parcel north of the existing facility where the Phase 2 expansion is proposed.

Land uses in the vicinity of the subject lands include:

- Heavy industrial uses to the east and south, including a waste transfer station, soil and landscape material processing, concrete and asphalt batch plants, sawmilling, storage yards, aggregate mining and processing as well as other light and heavy industrial uses;
- Forestry and resource uses to the north and west;
- Agricultural uses (vineyards) to the north-east; and
- Rural residential uses to the south and south-west, including the Mina Drive neighbourhood and the community of Sahtlam.

Proposed Development:

The rezoning application proposes an amendment to Zoning Bylaw 2950 that, if adopted, would change the zoning designation on the subject lands from I2 and C8 to a new comprehensive development zone (CD21). The zoning amendment itself does not authorize development on the subject lands, and development and building permits would be required before development on the lands can proceed. Although the zoning amendment that is requested in the application primarily requests a change to the list of uses permitted on the subject lands, the applicant has provided a detailed design of the Phase 2 expansion plans and a number of reports and technical documents in support of the application. Materials provided by the applicant include engineering designs of the motor vehicle circuit expansion, a sound impact assessment, a geotechnical assessment, land use servicing reports, an environmental impact assessment, a fire interface plan and a traffic impact assessment.

A list of application support documents is provided in Attachment 3, with the documents available on the Municipality of North Cowichan's website at:

<https://www.northcowichan.ca/EN/main/community/current-topics/vancouver-island-motorsport-circuit/vimc-related-records.html>

The Phase 2 expansion is expected to include a new 5.0 km paved motor vehicle circuit, an off-road motor vehicle circuit, a new clubhouse structure, and buildings for maintaining, repairing and storing motor vehicles. A plan showing the proposed development and existing facility is provided in Attachment 4. Descriptions of the Phase 2 design and development approach are provided in the support documents and the reader is directed to those documents for a detailed description of the proposed expansion.

Community Amenities and Applicant's Commitments:

The applicant has provided a letter (Attachment 5) that outlines a number of commitments associated with the rezoning application that are intended to respond to community concerns about noise and potential environmental impacts and other issues identified in the applicant's community consultation process. The commitment letter also identifies community amenities offered in association with the rezoning application. Among the commitments are:

- Restrictions on the hours of operation;
- Restrictions on operating on statutory holidays;
- Restrictions on maximum permitted sound output;
- The installation and maintenance of sound monitoring stations;
- A procedure for enforcing violations of the maximum permitted sound thresholds should they be exceeded;
- The transfer of land to the Municipality for a water storage reservoir;
- Funding for the construction of a water storage the reservoir, with an ability to partially recoup from future users;
- A lease over the A4 zoned lands (north of subject lands) for a hiking trail;
- The offer of the use of the facility (on commercially reasonable terms) to the Vancouver Island Karting Association for up to 6 events per year;
- The transfer of lands adjacent to Bings Creek to the Municipality;

- The transfer of \$600,000 to the Municipality for environmental and habitat enhancement and for construction of a trail up Mount Prevost;
- Improvements to Drinkwater Road

The applicant's commitment with respect to limiting noise associated with the motorsport circuit facility is based on the Cowichan Valley Regional District's Noise Control Bylaw No. 3723. Bylaw No. 3723 specifies a maximum standard for "continuous sound" of 60 decibels, measured at the point of reception. The Bylaw defines "continuous noise" to be any noise other than construction noise that continues for a period or periods of totalling 3 minutes or more in any 15 minute period. The applicant is proposing a comparable standard (with some exceptions) with a maximum standard of 59 decibels (59 dB LA_{20, 15min}).

Details regarding the applicant's commitments are set-out in the applicant's commitment letter and the reader should refer to that document regarding the specific commitments.

Should the application advance, the applicant's commitments, including the commitment for bridge crossings, will be secured by a covenant prior to consideration of bylaw adoption.

Policy Context – Official Community Plan:

The Official Community Plan (Bylaw No. 3450) includes the subject lands within the "South End Industrial" designation. The OCP does not contain specific policies regarding this designation, but Section 2.4.6 of the OCP includes a number of policies applicable to industrial designations through-out the Plan area. Policies considered relevant to the subject application include:

- 2.4.6.1 *The Municipality will promote a healthy industrial sector.***
(d) *The Municipality will encourage and attract new and emerging forms of industrial enterprise to the community.*
- 2.4.6.3 *Ensure availability of industrially zoned land.***
(a) *The Municipality will encourage the infill and maximum use of existing industrial land ...*
- 2.4.6.4 *The Municipality supports sensitive integration of industry into the community.***
b) *Industrially zoned lands are designated as a Development Permit Area to maintain orderly and attractive industrial development and to reduce conflict with adjacent land uses.*

Economic Development objectives and polices are outlined in Section 2.4 of the OCP. This section of the Plan acknowledges that the local economy continues to shift away from resource-based industry to new and emerging sectors. The Plan promotes supporting and sustaining existing job opportunities but also actively seeking new opportunities. It also recognizes that lifestyle and access to the natural environment are economic assets for the region and that economic development opportunities need to be balanced with sustainable development practices. This is clearly articulated in the stated objective of, "Establishing a welcoming atmosphere for economic development in North Cowichan while maintaining a high quality of life and high environmental quality" (s. 2.4.1).

Economic development polices considered relevant to the rezoning application include:

2.4.1.1 *The Municipality will exercise leadership for economic development in North Cowichan.*

- a) *Based on North Cowichan's many assets, including quality of life, the Municipality will pursue strategic business attraction and development opportunities to diversify the local economy.***
- b) *The Municipality will ensure that local permitting is transparent and timely, with a solution-based, customer driven philosophy.***

2.4.1.3 *The Municipality will link economic development with Community Planning.*

- c) *The Municipality commits to developing clear and predictable land use policies that will result in consistent decision-making and improved certainty of investors.***
- j) *The Municipality will make land available for commercial and industrial purposes in a manner consistent with good planning practices and with the goals of the OCP.***

2.4.1.4 *The Municipality will balance economic growth with other community priorities.*

- a) *The Municipality will communicate openly with prospective investors and the community about how economic development initiatives are balanced with other Community priorities.***

Policy Context – Zoning Bylaw:

A zoning map referencing the subject lands is provided in Attachment 6.

The Commercial Rural Recreation Zone (C8) that applies to 6.07 ha. of the subject lands permits the following uses:

Accessory Dwelling Unit; Amusement Park; Archery Range; Drive-in Theatre; Microlite Aircraft and Glider Landing Strips; Mobile Food Service; Racetrack; Recreational Facility; Shooting Range.

The Industrial Heavy Zone (I2) applies to the remaining 56.18 ha. of the subject lands. It permits the following uses:

Accessory Office; Accessory Dwelling Unit; Accessory Restaurant; Autobody Repair; Dry-cleaning Plant or Laundry; Cannabis Production Facility; Commercial Cardlock Facility; Custom Workshop; Fitness Centre/Gymnasium; Food and Beverage Processing; Fueling Installations; Laboratory; Industrial Use; Machine Shop; Mini-Warehousing; Mobile Food Service; Motor Vehicle Repair; Motor Vehicle Sales and Repair; Recycling Depot; Repair Shop; Resource Use; Retail Lumber and Building Supply Yard; Retail of Motor Vehicle Parts and Accessories; Service Industry; Sign Shop; Temporary Trailer; Tools and Equipment Sales Rentals and Services; Trade School, Truck Depot; Truck Trailer and Heavy Equipment Sales, Rentals and Services; Veterinary Clinic; Warehouse; Wholesale; Automobile Wrecking and Salvage Yard; Bulk Storage of Flammable and Combustible Liquids; Boat Terminals and Dock; Helicopter Landing Pad; Municipal/Regional Government Office; Pier, Wharf and Related Facility; Private Airplane Landing Strip; Railway Yard; Recycling Industrial Use; Sawmill, Pulpmill and Planing Mill, Slaughterhouse, Works Yard.

Copies of the C8 and I2 zones are provided in Attachment 7.

Draft Zoning Amendment Bylaw No. 3761:

Zoning Amendment Bylaw No. 3761 (Attachment 8) has been drafted with the intention of capturing what has been requested in the rezoning application. If adopted, the amendment bylaw would create a new "CD21" zone that is specific to the subject lands. Uses presently permitted on the lands by the C8 and I2 zones would be replaced by a new list of CD21 permitted uses:

Accessory Building; Accessory Fueling Installation; Accessory Restaurant; Accessory Use; Assembly Hall; Fitness Centre/Gymnasium; Go-Kart Use; Motion Picture and Television Filming; Motor Vehicle Autobody Repair, Motor Vehicle Parts and Accessories Sales; Motor Vehicle Presentation Centre; Motor Vehicle Repairs; Motor Vehicle Sales; Motor Vehicle Storage Yard; Motor Vehicle Testing and Training Facility; Recreation Area; Warehouse.

The list of CD21 permitted uses does not include a number of uses previously permitted on the subject lands (e.g., Racetrack, Shooting Range, Helicopter Landing Pad, Private Airplane Landing Strip and Sawmill, Pulpmill and Planing Mill).

As some of the uses proposed for the CD21 Zone are new uses that are not defined in Zoning Bylaw 2950, Zoning Amendment Bylaw No. 3761 will also add the following definitions:

"motor vehicle and driver training facility" means the use of land for a motorsport circuit and off-road circuit that hosts a variety of motor vehicle driving programs in different configurations with different groups, including but not limited to (a) motor vehicles driving the circuit to achieve and improve lap times; (b) motor vehicles practicing emergency braking, lane changes, cornering and other procedures including some at high speed; (c) multiple motor vehicles using the facility simultaneously including during club or manufacturers activities to achieve and improve their driving skills; (d) facilities and repair areas to change settings of motor vehicles, change tires, conduct minor maintenance and repairs, and set up motor vehicles ; (e) club with restaurant, office, retail store, the sale of food and beverages, change rooms and ancillary amenities; (f) parking, off-street parking, covered parking, maintenance, warehouse and storage facilities.

"motor vehicle presentation centre" means the use of a building or structure or land for the display, storage and sale of motor vehicles, motor vehicle parts, accessories and merchandise, including ancillary offices and facilities.

"motion picture and television filming" means the filming and production of motion pictures or television shows or series.

"go-kart use" means the use of buildings, structures, or land for the maintenance, repair, operation and racing of go-karts.

Development regulation in the CD21 zone are comparable to what currently exist in the I2 zone. A comparison of the regulations is summarized in Table 2.

Table 2

Zoning Regulation:	I2 Zone	C8 Zone	Proposed CD21 Zone
Minimum Lot Size	1.6 ha.	4.0 ha.	2.5 ha.
Minimum Frontage	90 m.	150 m.	30 m.
Maximum Lot Coverage	50%	30%	50%
Minimum Setbacks	8.0 m. front/0 m. side and rear/ 46 m. when abutting another zone/18 m from arterial Highway	30 m. front, side and rear	6 m. front, 3 m. side, 6 m. rear./ 18 metre from Arterial Highway
Maximum Permitted Height	None identified 1.04 ha. (2.58 ac.)	12.0 m.	15.0 m.
Max. Floor Space Ratio	None identified	None identified	0.5:1

Planning Department Comments:

Land Use Considerations:

Much of the subject lands are presently zoned Industrial Heavy (I2). The I2 zone is where the Municipality has generally permitted commercial and industrial uses that generate or have the potential to generate excessive noise, odour or other nuisance that are unsightly or otherwise objectionable to nearby non-commercial/industrial uses. Examples of such uses in the I2 zone are mills for primary wood processing, slaughterhouses and auto wrecking yards. By clustering such uses together in a zoning district, the overall impact of nuisance generating activities can be better contained and managed, and the community will have a better understanding where such activities can be expected.

The I2 zone accommodates traditional industrial activities such as the manufacture of goods, warehousing, distribution and raw material processing. It also permits uses that are more commercial or service-oriented such as fitness centres, veterinary clinics and government offices. Transportation uses that are potentially disruptive are also included in the I2 zone (Helicopter landing pad, private airplane landing strip, railway yard).

"Motor vehicle and driver training facility" and other principal and accessory uses proposed in the CD21 zone are not inconsistent with an industrial designation. As such a facility will inevitably emit noise and impose some level of impact on surrounding properties, industrially designated lands would seem an appropriate location for activities of this nature.

Noise impacts from the existing VIMC facility have been an ongoing issue for some residents of North Cowichan and the Regional District. This rezoning application provided an opportunity and process for noise mitigation measures to be publicly discussed. In support of the rezoning application the applicant has committed to a number of measures that are intended to reduce the impact that noise from the facility is having on residents in the area. The measures include sound attenuation structures, a systematic sound monitoring program, establishment of maximum permitted offsite sound levels, and restrictions on hours and days of operation. While the noise concerns are unlikely to be fully resolved through the zoning amendment process, the applicant's commitments would establish an enforceable baseline standard for noise levels and would provide the public with greater certainty over the level of noise to be expected, and some recourse should that agreed-upon standard be exceeded. The baseline standard for acceptable noise levels is consistent with levels permitted by the Cowichan Valley Regional District under its noise regulation bylaw applicable in the Sahtlam area.

Compliance with OCP Policy:

Protecting the industrial land base and optimizing its use is a stated objective of the OCP (2.4.6.3). Industrial activities often require large parcels to conduct operations and the amount of employment and economic activity resulting from any particular industrial business can vary considerably. The subject lands and adjacent industrially designated lands have been zoned for industrial use for decades, but much of it has remained vacant or has been used for low level industrial uses. The current and proposed VIMC facilities involve substantial capital investments in site and infrastructure improvements and are expected to generate ongoing direct and indirect economic benefits for the local economy in the form of jobs and spending associated with the operation of the facility. It should also be noted that VIMC's commitment to provide land and funding for a new water supply reservoir is expected to promote the more intensive use of industrially zoned lands in the area as it will become easier for property owners to comply with building code requirements for fire protection and eliminate the need for land intensive on-site water storage.

A pervasive theme throughout the economic development and industrial land use sections of the OCP is the desire to balance economic development opportunities with protection of the natural environment while maintaining the quality of life that residents of North Cowichan and the region so highly value. It is apparent from the extensive site assessment and design work undertaken for Phase 2 and the commitments made to address issues that the proponent has gone to considerable effort and expense to identify and address community concerns in the application and balance competing OCP objectives and policy.

Communications and Engagement:

On November 1 2017, Council passed a resolution directing staff to refer the subject rezoning application and OCP amendment application (since withdrawn) to the City of Duncan, the Cowichan Valley Regional District, Cowichan Tribes, School District 79, the Sahtlam Neighbourhood Association and the Environmental Advisory Committee. The application referral has not yet been sent, largely because the application was amended significantly and only recently has there been enough certainty about the application that it can be accurately described to the referral agencies. Now that there is a specific bylaw to comment on, staff propose that the application referral proceed but that Council reconsider the list of referral agencies. As a referral to the School District is no longer required because the OCP amendment application has been withdrawn, it is recommended that the application and draft bylaw be referred to the City of Duncan, the CVRD, Cowichan Tribes, and the Sahtlam Neighbourhood Association in accordance with standard practice. It is further recommended that a 30 day referral response time be given, which is the standard referral response timeframe given for rezoning applications.

Should Council grant first and second reading to Zoning Amendment Bylaw No. 3761, a public hearing would be scheduled to allow the public an opportunity to provide input on the proposed Zoning Bylaw amendment. Prior to the hearing, adjacent owners and occupiers of land would be notified and notice would be published in the local newspaper, as required by the *Local Government Act*.

Conclusion and Recommendation:

Staff consider the rezoning application and proposed zoning amendment bylaw to be generally compliant with applicable Municipal policy and are supportive of the proposed zoning amendment and associated covenant for that reason.

The extent of the assessment, planning and design work for Phase 2 well exceeds what is typical for a land use application demonstrates sincere efforts to address issues and concerns raised during the course of the application review while still achieving the intended use of the lands and to balance community values with economic interests. In order to determine if community values have been adequately addressed, it is necessary to hear from the community and now that the detailed information regarding the proposed Phase 2 expansion is now compiled and the proposed zoning amendment bylaw and commitments from the applicant are documented and available for review, the application has progressed to the stage in the application process where it can be presented to the public at a public hearing. Staff's recommendation is to approve first and second reading of Zoning Amendment Bylaw No. 3761, refer the application and zoning amendment bylaw to select agencies and organizations, and that a public hearing be scheduled.

Options

Option 1 (Staff Recommendation):

1. That Council approve first and second reading of Zoning Amendment Bylaw No. 3761 to rezone three properties at Cowichan Valley Highway and Drinkwater Road (PIDs 009-751-297, 029-201-675 & 014, 104-067) from I2 and C8 to a new CD21 zone;

2. That referrals be sent to the City of Duncan, the Cowichan Valley Regional District, Cowichan Tribes and the Sahtlam Neighbourhood Association and referral agencies be given a minimum of 30 calendar days to provide a response before a public hearing is held;
3. That a Public Hearing be scheduled for Zoning Amendment Bylaw No. 3761 and notification issued in accordance with the requirements of the *Local Government Act*.

Option 2 (Alternate Recommendation):

That Council deny Zoning Amendment Application ZB000064 to rezone three properties at Cowichan Valley Highway and Drinkwater Road (PIDs 009-751-297, 029-201-675 & 014, 104-067) from I2 and C8 to a new CD21 zone.

Recommendation

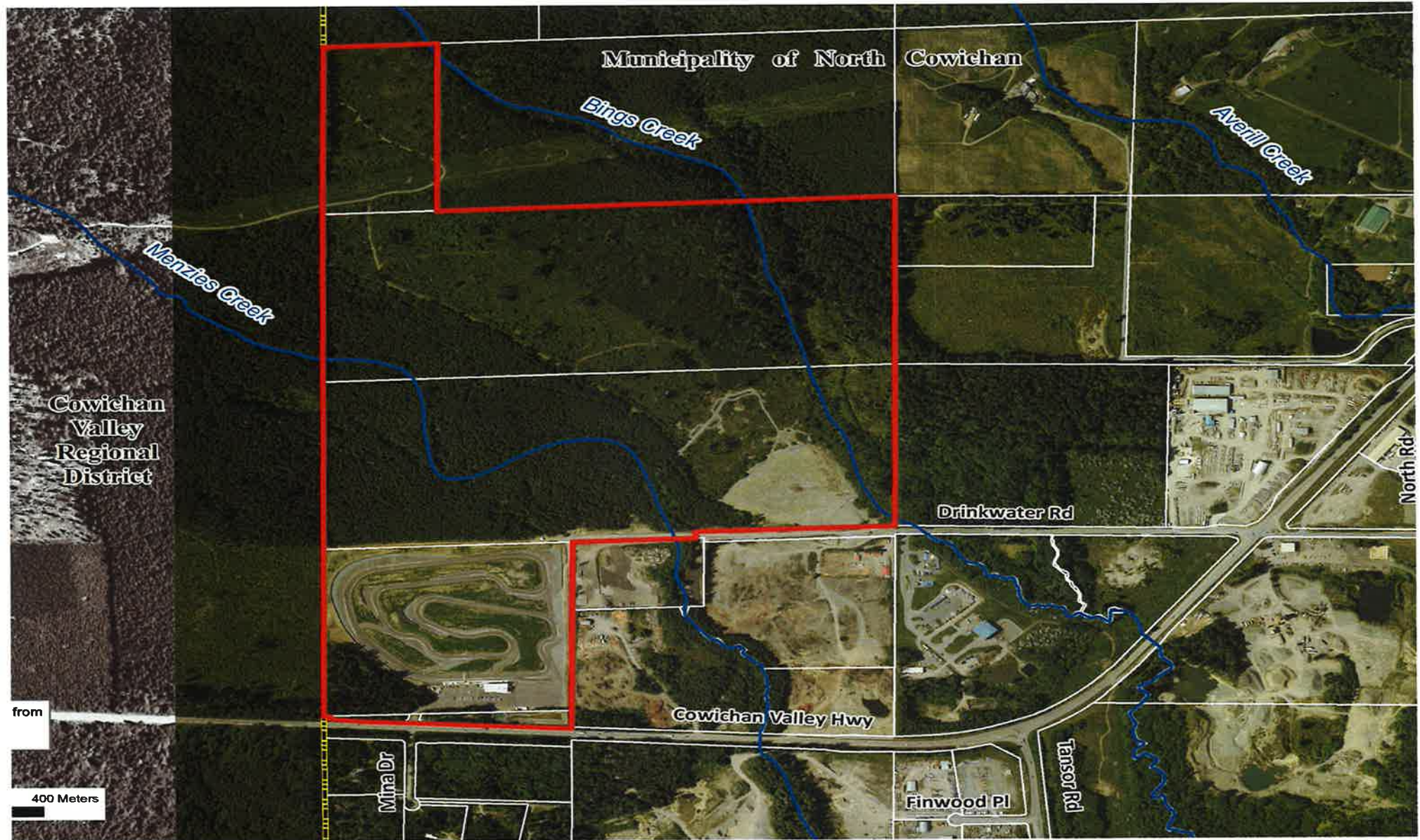
- 1. That Council approve first and second reading of Zoning Amendment Bylaw No. 3761 to rezone three properties at Cowichan Valley Highway and Drinkwater Road (PIDs 009-751-297, 029-201-675 & 014, 104-067) from I2 and C8 to a new CD21 zone;**
- 2. That referrals be sent to the City of Duncan, the Cowichan Valley Regional District, Cowichan Tribes and the Sahtlam Neighbourhood Association and referral agencies be given a minimum of 30 calendar days to provide a response before a public hearing is held; and**
- 3. That a Public Hearing be scheduled for Zoning Amendment Bylaw No. 3761 and notification issued in accordance with the requirements of the *Local Government Act*.**

Attachments:

1. Map of VIMC Lands
2. Map of VIMC Lands Proposed for Rezoning
3. List of Application Support Documents
4. Phase 2 Development Plan
5. Applicant's Commitment Letter
6. Zoning Map
7. C8 and I2 Zone
8. Draft Zoning Amendment Bylaw No. 3761

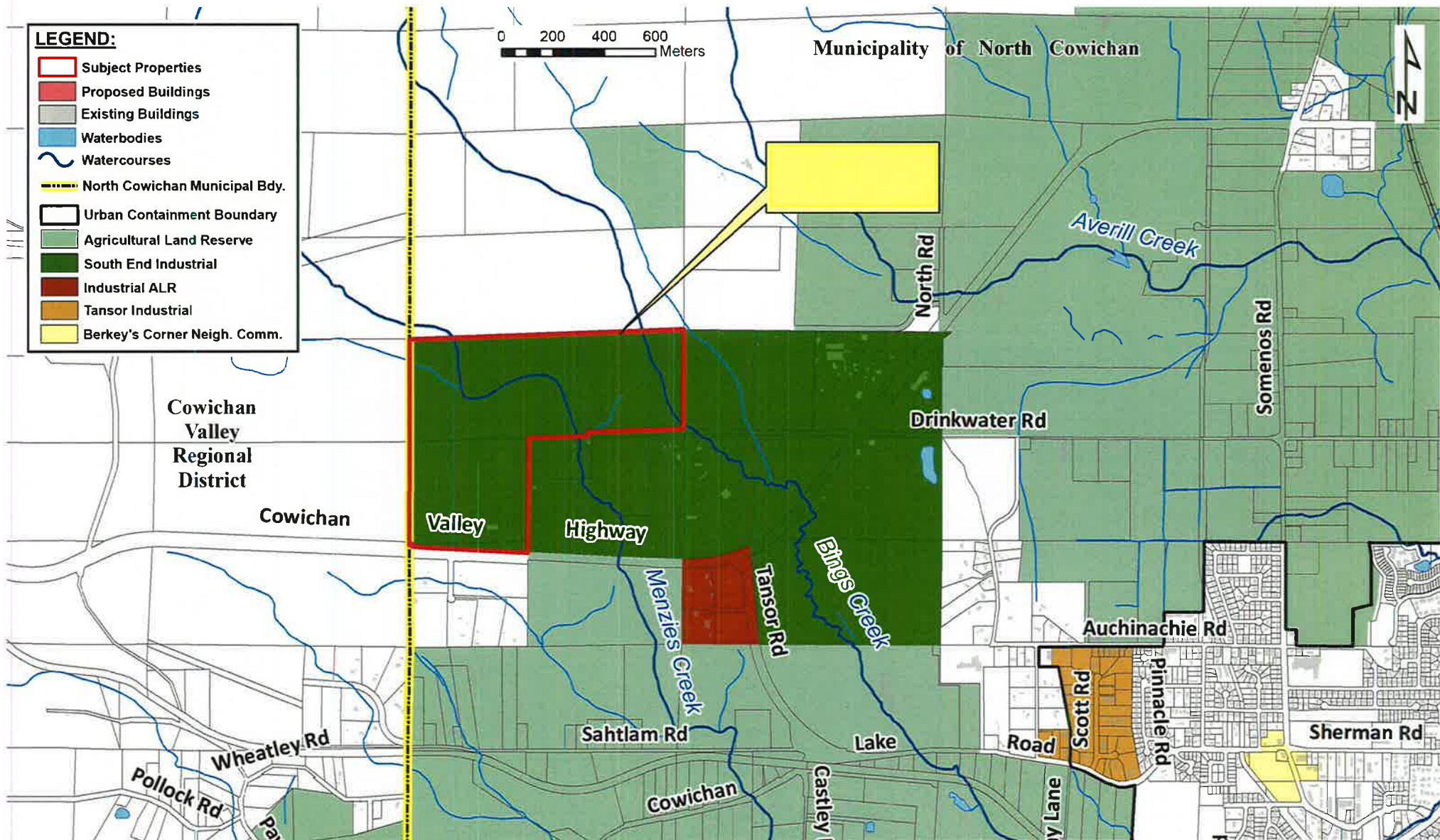
ATTACHMENT A

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ATTACHMENT A

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ATTACHMENT A

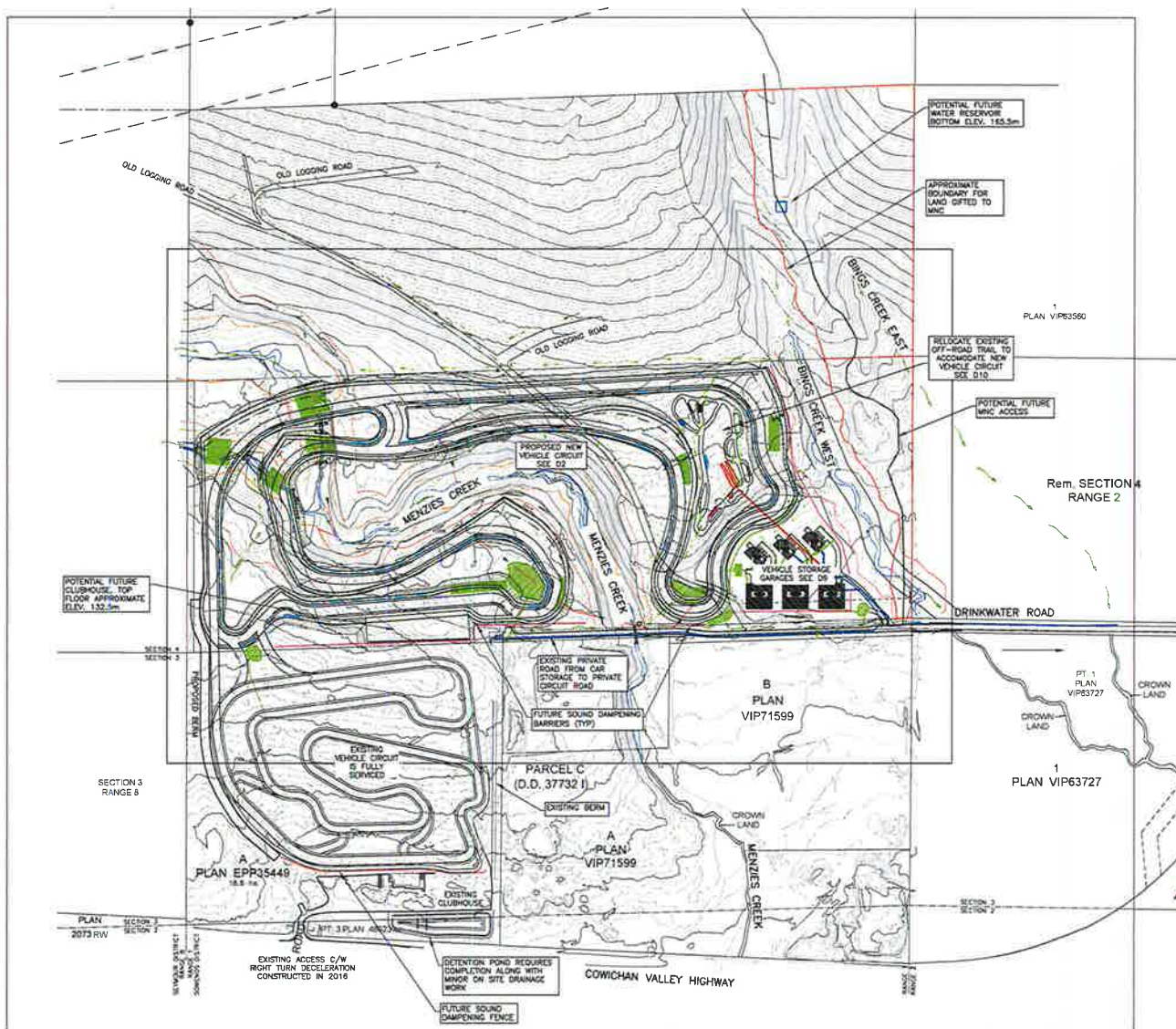
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VIMC Rezoning Application (ZB000064) – Application Support Documents

	Document	Prepared By:	Date
1.	Rezoning Application and Community Consultation Report	Applicant	January, 2019
2.	Letter withdrawing OCP Amendment Application	Applicant	April 3, 2019
3.	Civil Design of VIMC Phase 2	Tilke GmbH & Co. KG Engineers and Architects	October 2, 2018
4.	Revised Sound Impact Assessment	BeSB GMBH Acoustical Consulting	October 2, 2018
5	Letter re: Measuring Noise Impact in Neighbourhood	BeSB GMBH Acoustical Consulting	October 2, 2018
6.	Potential Noise Mitigation Measures	RWDI	September 24, 2018
7.	Geotechnical Assessment Letter	Ryzuk Geotechnical	September 21, 2018
8.	VIMC Phase 2 Design Drawing	J.E. Anderson and Associates	June 13, 2018
9.	Storm Water and Rain Water Management Report	J.E. Anderson and Associates	June 13, 2019
10.	Sewage Disposal Assurance Letter	J.E. Anderson and Associates	June 14, 2019
11.	Building Servicing Report	J.E. Anderson and Associates	June 14, 2019
12.	Environmental Impact Assessment Report	Aquaparian Environmental Consulting	Revised June 18, 2019
13.	Traffic Impact Assessment	Watt Consulting Group	June 20, 2019
14.	VIMC Environmental Initiatives Summary	Applicant	May 9, 2019
15.	Third Party Review of Environmental Impact Assessment	Golder Associates Ltd.	April 26, 2019
16.	Response to Third Party Review of Environmental Impact Assessment	Aquaparian Environmental Consulting	May 27, 2019
17.	Fire Interface Plan	Econ Consulting	June 18, 2019
18.	Summary of Applicant's Commitments	Applicant	August 6, 2019
19.	VIMC Responses to Community Values and Concerns	Applicant	July, 2019
20.	Summary Application Changes	Applicant	No Date
21.	Summary of Economic Benefits	Applicant	No Date
22.	Summary of Support to Local Businesses and Organizations	Applicant	No Date

ATTACHMENT A

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ITEM	DESCRIPTION
01	LARGE SCALE SITE PLAN
02	CIRCUIT DRAINAGE SITE PLAN
03	SITE CLEARING PLAN
04	RE-VEGETATION PLAN
05	SOUTH MENZIES CREEK CROSSING - PLAN AND SECTIONS
06	SOUTH MENZIES CREEK CROSSING - CULVERT PROFILE AND CALCULATIONS
07	NORTH MENZIES CREEK CROSSING - PLAN AND SECTIONS
08	NORTH MENZIES CREEK CROSSING - CULVERT PROFILE AND CALCULATIONS
09	CAR STORAGE AREA SERVING PLAN
10	OFF-ROAD TRAIL SERVING PLAN

Attachment 4 - Phase 2 Development Plan - ZB000064

LEGAL DESCRIPTION	PROJECT DATUM	REVISION	DATE	CHECK	APPROV	DATE	LEGEND	CLIENT	PROJECT	DESIGN	DRAWN	SCALE	DATE	FILE	SHEET
ELEVATIONS ARE GEODETIC AND TO NAD83		1	2017/1/18				LEGEND	1909988 ONTARIO LTD.	VMC PHASE 2 DEVELOPMENT PLAN	JR	KC	1:3000 HORIZ. N/A VERT.	88804 DP D1		1 OF 10
		2	2017/1/18				UNP. UNIM. 1:1.5								
		3	2017/1/18				PAVEMENT, 1:1.5								
		4	2017/1/18				1:1.5 WING								
		5	2017/1/18				GRS								
		6	2017/1/18				WATER								
		7	2017/1/18				SEWER								
		8	2017/1/18				NON-MOUNT. CURB								
		9	2017/1/18				EDGE ASPHALT								
		10	2017/1/18				DRY								
		11	2017/1/18				REDUCER								
		12	2017/1/18				UPCAST								
		13	2017/1/18				AIR VALVE								

JEA J.E. ANDERSON & ASSOCIATES
SURVEYORS -- ENGINEERS
1A - 3411 SHENTON ROAD, NANAIMO, B.C. V9T 2H1
TEL: 250 - 758 - 4631 FAX: 250 - 758 - 4660
E-MAIL: nanaimo@jeanderson.com

ATTACHMENT A

Page 1 of 8



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info@islandmotorsportcircuit.com

August 6, 2019

Municipality of North Cowichan
7030 Trans-Canada Highway
Duncan, BC, V9L 6A1

Attention: Mr. Rob Conway, MCIP, RPP
Director of Planning

**Re: Comprehensive Development Rezoning Application –
Vancouver Island Motorsport Circuit**

Please accept this letter as evidence of our commitments in support of our application for a comprehensive development rezoning (the "Comprehensive Development Application") as follows:

1. We commit to comply with the following requirements in relation to the operation of the motorsport and the off-road circuit, as presently constructed or as expanded from time to time (including the expansion contemplated under the Comprehensive Development Application):
 - (a) To restrict their hours of operation on days other than statutory holidays to 9:00 a.m. to 5:00 p.m. on Mondays to Saturdays and to 11:00 a.m. to 5:00 p.m. on Sundays;
 - (b) To not operate them on statutory holidays;
 - (c) To not operate them in a manner that exceeds 59 dB LA_{20,15min} when received at sound monitors of a type acceptable to North Cowichan and us, acting reasonably, located off the subject lands at four sites (the "Offsite Sound Monitors"), with one site being at or near 6278 Mina Drive, North Cowichan,

1

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Page 2 of 8



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British Columbia and the other three sites being at locations acceptable to North Cowichan and us, acting reasonably;

- (d) In conjunction with North Cowichan, to install and maintain in good and accurate operating condition, including through replacement whenever necessary, the Offsite Sound Monitors;
- (e) To install and maintain in good and accurate operating condition, including through replacement whenever necessary, sound monitors of a type acceptable to North Cowichan and us, acting reasonably, located on the subject lands (the "Onsite Sound Monitors") 15 m from the shoulder of the driving surface of the Circuit in 2 locations acceptable to North Cowichan and us, acting reasonably;
- (f) To maintain the Offsite Sound Monitors and the Onsite Sound Monitors as time synced; and,
- (g) To provide to North Cowichan, in real time, all noise measurements from the Offsite Sound Monitors and the Onsite Sound Monitors in a format that is readily capable of review for compliance with item (c) above.

As a condition of the approval of the Comprehensive Development Application, we agree to register against title to the subject lands a covenant under section 219 of the *Land Title Act* securing its commitments as set out above. We also agree that the covenant shall include a provision that imposes on it the obligation to make a monetary payment to North Cowichan in the amount of \$5,000.00 in the event of a breach by us of the requirement set out in

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item 1(c) above. In support of this provision, we will deliver to North Cowichan an irrevocable standby letter of credit in a form satisfactory to North Cowichan in the amount of \$25,000.00 to be drawn down by North Cowichan to satisfy any amount payable under the covenant.

We also agree that the covenant shall include provisions in relation to the requirements of item 1(c) above that require us to advise all operators of vehicles on the motorsport or off-road circuit of the sound limit under that item, to immediately warn the operator of any vehicle on the motorsport or off-road circuit that is involved in an exceedance of the sound limit under that item, to immediately remove from the motorsport or off-road circuit any vehicle that is involved in a second exceedance of the sound limit under that item on the same day, to immediately remove from the motorsport or off-road circuit the operator of any vehicle who is involved in a third exceedance of the sound limit under that item on the same day, and to consider, acting reasonably, refusing access to the motorsport or off-road circuit to any vehicle or operator involved in 5 or more exceedances of the sound limit under that item in a one year period.

Item 1(c) above will not apply to:

- (a) The A4/I2 Lands, the Lease Lands, and/or the Bings Creek Lands;
- (b) Any Vancouver Island Karting Association event under Item 2(c) below; and
- (c) Up to six days per calendar year for special events, subject to us giving North Cowichan a minimum of two months written notice of the dates and times of a proposed event and us using our best efforts to

3

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Page 4 of 8



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not operate on those days in a manner that exceeds 59 dB LA_{20, 15min} when received at the Offsite Sound Monitors.

For the purposes of the special event days, up to three of those days, when used for special events for vehicle manufacturers, will also be exempt from Items 1(a) and (b) above, except that the hours of operation on those days shall be limited to 9:00 a.m. to 5:00 p.m., and we shall use its best efforts to not hold such events on Sundays (except between 11:00 a.m. and 5:00 p.m.) and statutory holidays.

2. In further support of the Comprehensive Development Application, we commit to provide to North Cowichan the following amenities:
 - (a) To transfer to North Cowichan a portion of our lands that are currently zoned A4 and I2, as set out in the plan attached as Schedule "A" to this letter (the "A4/I2 Lands") for use as a site for a water storage reservoir of up to 500,000 gallon capacity, and all ancillary and related controls, piping, and appurtenances (the "Water Reservoir"), including use for access to the Water Reservoir, and for use as park, subject to a covenant under section 219 of the Land Title Act agreeable to North Cowichan and us, acting reasonably, recognizing the impact of the use of the subject lands for the motorsport or off-road circuit in accordance with all applicable requirements;
 - (b) To offer, for nominal consideration on reasonable commercial terms, to North Cowichan or the Cowichan Trail Stewardship Society a lease of the

ATTACHMENT A

Page 5 of 8



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remainder of our lands zoned A4 (the "Lease Lands");

- (c) To make the motorsport circuit available to the Vancouver Island Karting Association for its use for a minimum of 6 events a year, on commercially reasonable terms to be negotiated between us and the Vancouver Island Karting Association (including the requirement that the Vancouver Island Karting Association make best efforts to ensure that its events comply with item 1(c) above), subject to us giving North Cowichan a minimum of two months written notice of a proposed event, and subject to North Cowichan giving written approval for the event;
- (d) To transfer to North Cowichan a corridor of our land along Bings Creek, including its tributaries, acceptable to North Cowichan, which corridors shall at least consist of the riparian zone for Bings Creek and its tributaries, as determined by a Qualified Environmental Professional, which corridor shall be generally as set out in the plan attached as Schedule "A" to this letter (the "Bings Creek Lands");
- (e) To make a cash contribution to North Cowichan of \$600,000.00 for:
 - (i) Environmental and habitat enhancement projects for streams and other waterbodies (e.g., the construction of a water storage facility to provide summer flows for Bings Creek); and,
 - (ii) The construction of a trail up Mount Prevost.

ATTACHMENT A

Page 6 of 8



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As a condition of the approval of the Comprehensive Development Application, we agree to register against title to the subject lands a covenant under section 219 of the *Land Title Act* securing its commitments as set out above.

3. In further support of the Comprehensive Development Application, we commit to the following in relation to the provision of services:

- (a) To construct, to the satisfaction of North Cowichan, the Water Reservoir; and,
- (b) To construct, to the satisfaction of North Cowichan, Drinkwater Road from Highway 18 to its end bordering on the Development Lands to North Cowichan's Industrial Road Standard (R6), including all required culverting and drainage works.

As a condition of the approval of the Comprehensive Development Application, we agree to enter into a binding agreement with North Cowichan securing our commitments as set out above, subject to us being entitled to consideration of a development cost charge frontender agreement or development cost charge credits, if either is applicable, or alternatively being entitled to a latecomer agreement pursuant to sections 507 and 508 of the *Local Government Act* under which agreement we would be reimbursed for all or part of the costs of the excess or extended services provided by us, which reimbursement would be from properties benefitting from the services when those properties connect to or commence using the services.

4. Lastly, in support of the Comprehensive Development Application, we commit to provide to North Cowichan, as soon as practicable, the following:

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Page 7 of 8



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- (a) Written confirmation of all required approvals in principle of all creek crossings by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development and the Department of Fisheries and Oceans;
- (b) An acceptable wildfire hazard risk assessment for the Development Lands;
- (c) An acceptable geotechnical overview assessment for the Development Lands; and,
- (d) An acceptable visual impact/landscape assessment for the Development Lands.

We trust that our commitments set out above demonstrate our sincere intention and desire to be a valuable contributor to the success of North Cowichan and its community members.

On behalf of the landowner,

Yours truly,

A handwritten signature in black ink, appearing to read "Mark Holland", written in a cursive style.

Mark Holland, RPP

Holland Planning Innovations Inc

ATTACHMENT A

Page 8 of 8



/ ADDRESS

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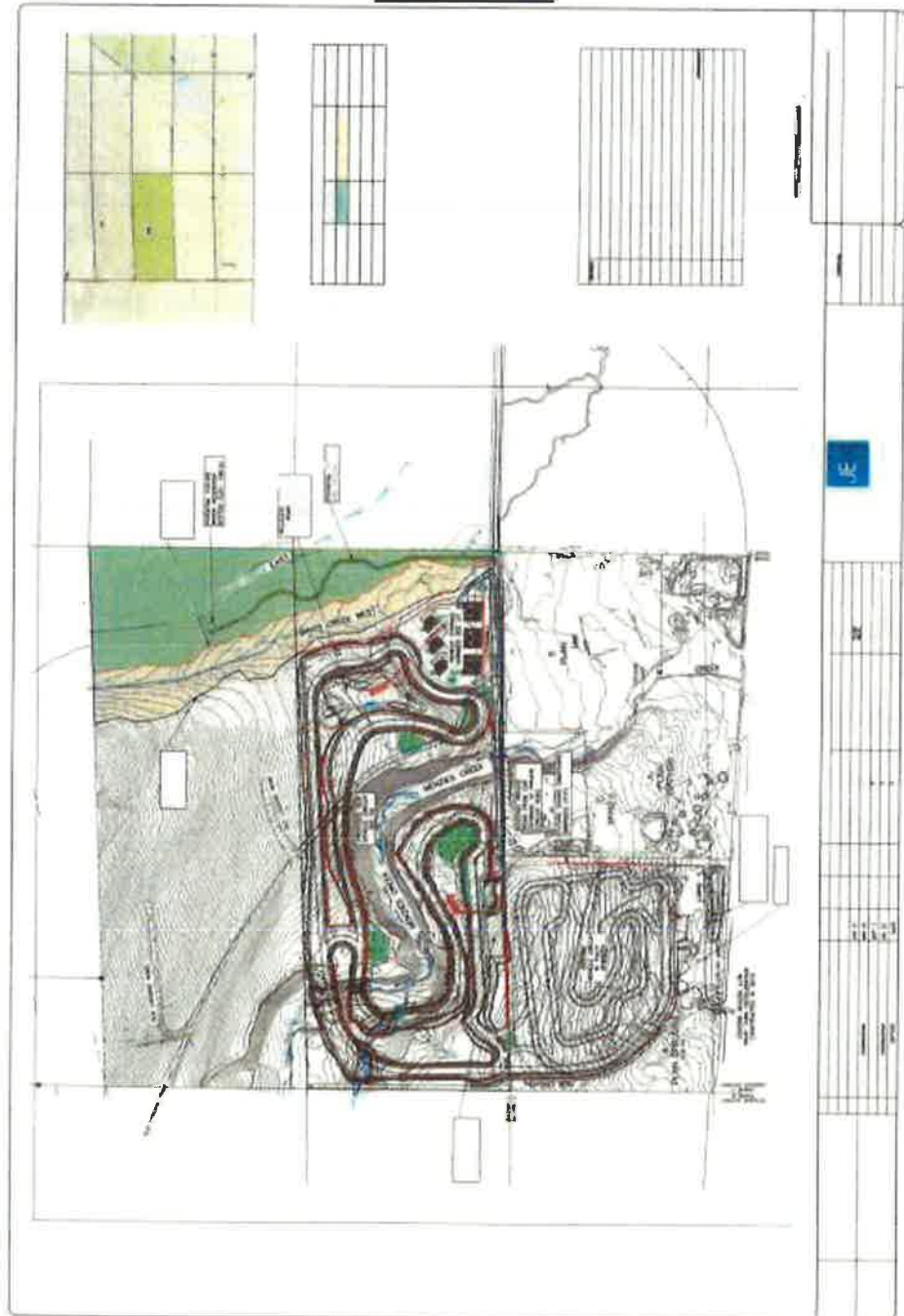
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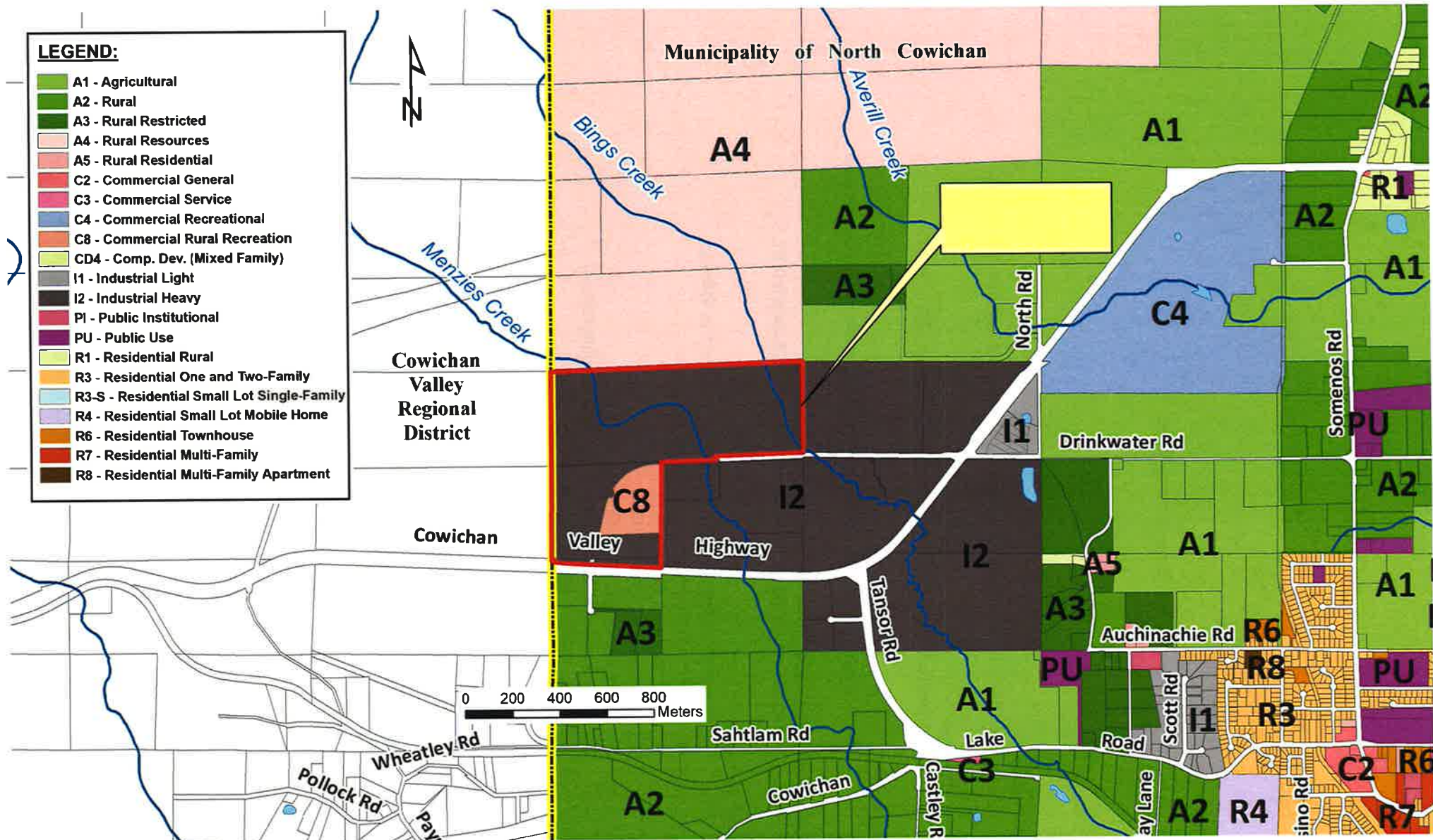
SCHEDULE "A"



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ATTACHMENT A

Page 1 of 1



ATTACHMENT A

Page 1 of 2

Commercial Rural Recreation Zone (C8)

Permitted Uses

- 74 (1) The permitted uses for the C8 zone are as follows:
- Accessory Dwelling Unit
 - Amusement Park
 - Archery Range
 - Drive-in Theatre
 - Microlite Aircraft and Glider Landing Strips
 - Mobile Food Service
 - Racetrack
 - Recreational Facility
 - Shooting Range [BL3657]

Minimum Lot Size

- (2) The minimum permitted lot size for the C8 zone is 4 hectares (9.88 acres).

Minimum Frontage

- (3) The minimum permitted frontage for the C8 zone is 150 m (492.13').

Maximum Lot Coverage

- (4) The maximum permitted lot coverage for the C8 zone is 30% of the lot area.

Maximum Floor Space Ratio of All Buildings and Structures

- (5) The maximum permitted floor space ratio for the C8 zone is 0.5:1.

Minimum Setbacks

- (6) The minimum permitted setbacks for the C8 zone are as follows:
- (a) Principal Buildings
 - Yard, Front, 30 m (98.43')
 - Yard, Side, 30 m (98.43')
 - Yard, Rear, 30 m (98.43')
 - (b) Accessory Buildings and Structures (Excluding Fences)
 - Yard, Front, 8.0 m (26.25')
 - Yard, Side, 5.0 m (16.4')
 - Yard, Rear, 5.0 m (16.4')

Maximum Building Height

- (7) The maximum permitted building heights for the C8 zone are as follows:
- (a) Principal Building, 12.0 m (39.37')
 - (b) Accessory Building, 12.0 m (39.37')

ATTACHMENT A

Page 2 of 2

Industrial Heavy Zone (I2)

Permitted Uses

- 77** (1) The permitted uses for the I2 zone are as follows:
- All Industrial Light Zone (I1) Permitted Uses
 - Automobile Wrecking or Salvage Yard
 - Bulk Storage of Flammable and Combustible Liquids
 - Boat Terminals and Dock
 - Cannabis Production Facility
 - Helicopter Landing Pad
 - Mobile Food Service
 - Municipal/Regional Government Offices
 - Pier, Wharf, and Related Facility
 - Private Airplane Landing Strip
 - Railway Yard
 - Recycling Industrial Use
 - Sawmills, Pulpmills, and Planing Mills
 - Slaughterhouse
 - Temporary Mobile Home (subject to the Temporary Mobile Home Permit Bylaw)
 - Works Yard [BL2996, BL3000, BL3457, BL3467, BL3512, BL3657, BL3741, BL3754]

Minimum Lot Size

- (2) The minimum permitted lot size for the I2 zone is 16,000 m² (3.95 acres).

Minimum Frontage

- (3) The minimum permitted frontage for the I2 zone is 90 m (295.27').

Maximum Lot Coverage

- (4) The maximum permitted lot coverage for the I2 zone is 50% of the lot area.

Minimum Setbacks

- (5) The minimum permitted setbacks for the I2 zone are as follows:
- (a) Principal Buildings
 - Yard, Front, 8.0 m (26.25'); 46 m (150.91') when abutting any Other Zone
 - Yard, Side, 0 m; 46 m (150.91') when abutting any Other Zone
 - Yard, Rear, 0 m; 46 m (150.91') when abutting any Other Zone
 - (b) Accessory Buildings and Structures (Excluding Fences)
 - Yard, Front, 8.0 m (26.25'); 46 m (150.91') when abutting any Other Zone
 - Yard, Side, 0 m; 46 m (150.91') when abutting any Other Zone
 - Yard, Rear, 0 m; 46 m (150.91') when abutting any Other Zone
 - (c) Despite the foregoing, the minimum permitted setback for any Lot Line which abuts an Arterial Highway is 18 m (59.05').
 - (d) Slaughterhouses
 - Yard, Front, 92 m (301.84')
 - Yard, Side, 92 m (301.84')
 - Yard, Rear, 92 m (301.84')

ATTACHMENT A



The Corporation of the District of North Cowichan
Zoning Amendment Bylaw (Motorsport Circuit), 2019
Bylaw 3761

The Council of The Corporation of The District of North Cowichan enacts as follows:

1. ***This Bylaw may be cited as "Zoning Amendment Bylaw No. 3761, 2019".***
2. ***Section 12 of Zoning Bylaw 1997, No. 2950 is amended by adding the following definitions:***

"go-kart use" means the use of buildings, structures, or land for the maintenance, repair, operation and racing of go-karts.

"motor vehicle testing and driver training facility" means the use of land for a motorsport circuit and off-road circuit that hosts a variety of motor vehicle driving programs in different configurations with different groups, including but not limited to

- (a) motor vehicles driving the circuit to achieve and improve lap times;
- (b) motor vehicles practicing emergency braking, lane changes, cornering and other procedures including some at high speed;
- (c) multiple motor vehicles using the facility simultaneously including during club or manufacturer activities to achieve and improve their driving skills;
- (d) facilities and repair areas to change settings of motor vehicles, change tires, conduct minor maintenance and repairs, and set up motor vehicles;
- (e) club with restaurant, office, retail store, the sale of food and beverages, change rooms and ancillary amenities;
- (f) parking, off-street parking, covered parking, maintenance, warehouse and storage facilities.

"motor vehicle presentation centre" means the use of a building, structure or land for the display, storage and sales of motor vehicles, motor vehicle parts, accessories and merchandise, including ancillary offices and facilities.

"motion picture and television filming" means the filming and production of motion pictures or television shows or series.

ATTACHMENT A

Bylaw No. 3761
Page 2

3. ***Zoning Bylaw 1997, No 2950, is amended in section 43 [Zones] by adding "Motorsport Circuit Comprehensive Development Zone (CD21)".***
4. ***Zoning Bylaw 1997, No 2950, is amended by adding the following section after 80.20:***

Motorsport Circuit Comprehensive Development Zone (CD21)

Permitted Uses

- 80.21** (1) The permitted uses in the CD21 zone are as follows:

- Accessory Building
- Accessory Fueling Installation
- Accessory Restaurant
- Accessory Use
- Assembly Hall
- Fitness Centre/Gymnasium
- Go-kart Use
- Motion Picture and Television Filming
- Motor Vehicle Autobody Repair
- Motor Vehicle Parts and Accessories Sales
- Motor Vehicle Presentation Centre
- Motor Vehicle Repairs
- Motor Vehicle Sales
- Motor Vehicle Storage Yard
- Motor Vehicle Testing and Driver Training Facility
- Recreation Area
- Warehouse

Minimum Lot Size

- (2) The minimum lot size for the CD21 zone is 2.5 ha.

Minimum Frontage

- (3) The minimum permitted frontage for the CD21 zone is 30 m (98.43').

Maximum Lot Coverage

- (4) The maximum permitted lot coverage for the CD21 zone is 50% of the lot area.

ATTACHMENT A

Bylaw No. 3761

Page 3

Maximum Floor Space Ratio of All Buildings and Structures

- (5) The maximum permitted floor space ratio for the CD21 zone is 0.5:1.

Minimum Setbacks

- (6) The minimum setbacks for all buildings are as follows:

Front yard - 6 m (19.7'); 18 m (59') from an arterial highway

Side yard - 3m (9.8')

Rear yard - 6m (19.7')

Maximum Building Height

- (7) The maximum building height for the CD21 zone is 15 m (49.2').

5. ***Schedule "C" of Zoning Bylaw 1997, No 2950 is amended by reclassifying, to Motorsport Circuit Comprehensive Development Zone (CD21), the lands shown as the "Subject Properties" (PIDs: 009-751-297; 029-201-675; 014-104-067), and outlined in bold on the Schedule attached to and forming part of this bylaw.***
-

READ a first time on

READ a second time on

CONSIDERED at a Public Hearing on

READ a third time on

APPROVED by Ministry of Transportation and Infrastructure on

ADOPTED on

CORPORATE OFFICER

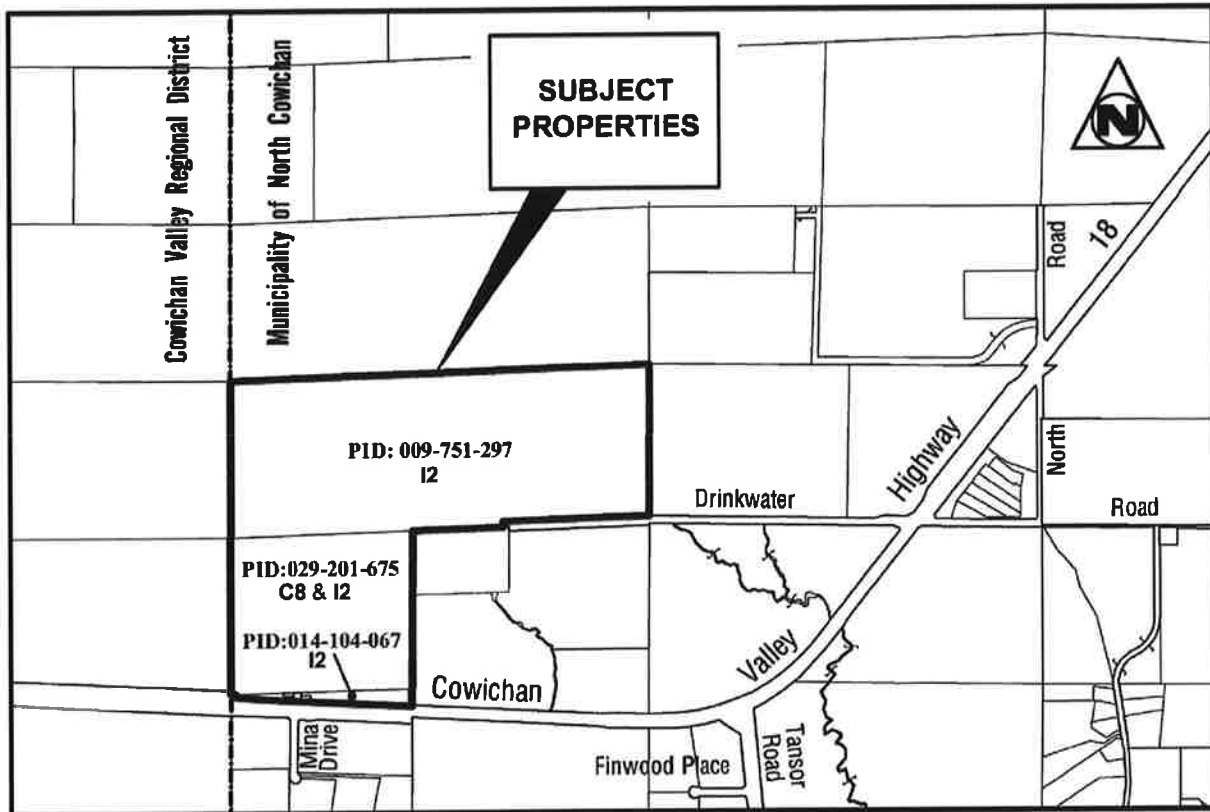
PRESIDING MEMBER

ATTACHMENT A

Bylaw No. 3761

Page 4

Schedule



September 25th, 2019

Municipality of North Cowichan
7030 Trans-Canada Highway
Duncan, BC V9L 6A1

Attention: Mr. Rob Conway, MCIP, RPP
Director of Planning

Re: Comprehensive Development Rezoning Application –
Vancouver Island Motorsport Circuit

Please accept this letter as evidence of our commitments in support of our application for a comprehensive development rezoning (the "Comprehensive Development Application"). Please note that we have updated our commitments to address concerns raised with respect to the Comprehensive Development Application during Council's consideration of 1st and 2nd reading of the proposed bylaw. Our revised commitments are as follows:

1. We commit to comply with the following requirements in relation to the operation of the motorsport and the off-road circuit, as presently constructed or as expanded from time to time (including the expansion contemplated under the Comprehensive Development Application):

- (a) To restrict their hours of operation to 9:00 a.m. to 5:00 p.m. on Mondays to Saturdays and to 11:00 a.m. to 5:00 p.m. on Sundays;
- (b) To not operate them on statutory holidays, other than where the operation is solely for a special international event for vehicle manufacturers, and where we have given written notice to North Cowichan of such operation at least a month in advance, and in no event to operate them on Christmas Day or Boxing Day or for more than two statutory holidays in a calendar year;
- (c) To not operate them in a manner that exceeds 59 dB LA_{20, 15min}, 59 dB LA_{Eq, 15min}, or 79 dB LA_{Max}, when received at any location within North Cowichan, other than the A4/I2 Lands, the Lease Lands, the Bings Creek Lands, (all as defined below), and/or any lands zoned Heavy Industry (I2) Zone under North Cowichan's zoning bylaw;
- (d) In conjunction with North Cowichan;
 - (i) to install sound monitors of a type acceptable to North Cowichan and us, acting reasonably, (the "Offsite Sound Monitors"), at three sites located off the subject lands, with one site being near 6278 Mina Drive, North Cowichan, British Columbia and the other three sites being at locations acceptable to North Cowichan and us, acting reasonably;
 - (ii) to engage a third party sound monitoring consultant, the cost of which is to be shared by North Cowichan and us, to monitor, maintain in good and accurate working condition, and replace the Offsite Sound Monitors whenever necessary;
- (e) To maintain the Offsite Sound Monitors as time synced; and,
- (f) To provide to North Cowichan, in real time, all noise measurements from the Offsite Sound Monitors in a format that is readily capable of review for compliance with item (c) above.

As a condition of the approval of the Comprehensive Development Application, we agree to register against title to the subject lands a covenant under section 219 of the *Land Title Act* securing our commitments as set out above. We also agree that the covenant shall include a provision that imposes on us the obligation to make a monetary payment to North Cowichan in the amount of \$5,000.00 in the event of a breach by us of the requirement set out in item 1(c) above. In support of this provision, we will deliver to North Cowichan an irrevocable standby letter of credit in a form satisfactory to North Cowichan in the amount of \$25,000.00 to be drawn down by North Cowichan to satisfy any amount payable under the covenant, and will deliver to North Cowichan further letters of credit upon the depletion of any previously provided letter of credit. We also agree that the covenant shall include provisions in relation to the requirements of item 1(c) above that require us to advise all operators of vehicles on the motorsport or off-road circuit of the sound limit under that item, to immediately warn the operator of any vehicle on the motorsport or off-road circuit that is involved in an exceedance of the sound limit under that item, to immediately remove from the motorsport or off-road circuit any vehicle that is involved in a second exceedance of the sound limit under that item on the same day, to immediately remove from the motorsport or off-road circuit the operator of any vehicle who is involved in a third exceedance of the sound limit under that item on the same day, and to consider, acting reasonably, refusing access to the motorsport or off-road circuit to any vehicle or operator involved in 5 or more exceedances of the sound limit under that item in a one year period.

2. In further support of the Comprehensive Development Application, we commit to provide to North Cowichan the following amenities:

(a) To transfer to North Cowichan a portion of our lands that are currently zoned A4 and I2, demarcated as "A" in the plan attached as Schedule "A" to this letter (the "A4/I2 Lands") for use as a site for a water storage reservoir of up to 500,000 gallon capacity, and all ancillary and related controls, piping, and appurtenances (the "Water Reservoir"), including use for access to the Water Reservoir, and for use as park, subject to a covenant under section 219 of the *Land Title Act* agreeable to North Cowichan and us, acting reasonably, recognizing the impact of the use of the subject lands for the motorsport or off-road circuit in accordance with all applicable requirements;

(b) To offer, for nominal consideration a licence, on reasonable terms, to North Cowichan or the Cowichan Trail Stewardship Society a portion of the lands demarcated as "B" in the plan attached as Schedule "A" to this letter (the "Lease Lands");

(c) To make the motorsport circuit available to the Vancouver Island Karting Association for its use for a minimum of 6 events a year, on commercially reasonable terms to be negotiated between us and the Vancouver Island Karting Association (including the requirement that the Vancouver Island Karting Association ensure that its events comply with item 1(c) above), subject to us giving North Cowichan reasonable notice of a proposed event, and subject to North Cowichan giving written approval for the event;

(d) To transfer to North Cowichan a corridor of our land along Bings Creek, including its tributaries, acceptable to North Cowichan, which corridors shall at least consist of the riparian zone for Bings Creek and its tributaries, as determined by a Qualified Environmental Professional, which corridor shall be generally as set out in the plan attached as Schedule "A" to this letter (the "Bings Creek Lands");

(e) To make a cash contribution to North Cowichan of \$600,000.00 for:

(i) Environmental and habitat enhancement projects for streams and other waterbodies (e.g., the construction of a water storage facility to provide summer flows for Bings Creek); and,

(ii) The construction of a trail up Mount Prevost.

As a condition of the approval of the Comprehensive Development Application, we agree to register against title to the subject lands a covenant under section 219 of the *Land Title Act* securing its commitments as set out above.

3. In further support of the Comprehensive Development Application, we commit to the following in relation to the provision of services:

- (a) To construct, to the satisfaction of North Cowichan, the Water Reservoir at a time that both we and North Cowichan deem it necessary; and,
- (b) To construct, to the satisfaction of North Cowichan, Drinkwater Road from Highway 18 to its end bordering on the Development Lands to North Cowichan's Industrial Road Standard (R6), including all required culverting and drainage works.

As a condition of the approval of the Comprehensive Development Application, we agree to enter into a binding agreement with North Cowichan securing our commitments as set out above, subject to us being entitled to consideration of a development cost charge frontender agreement or development cost charge credits, if either is applicable, or alternatively being entitled to a latecomer agreement pursuant to sections 507 and 508 of the *Local Government Act* under which agreement we would be reimbursed for all or part of the costs of the excess or extended services provided by us, which reimbursement would be from properties benefitting from the services when those properties connect to or commence using the services.

4. Lastly, in support of the Comprehensive Development Application, we commit to provide to North Cowichan, as soon as practicable, the following:

- (a) Written confirmation of all required approvals in principle of all creek crossings by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development and the Department of Fisheries and Oceans;
- (b) An acceptable wildfire hazard risk assessment for the Development Lands;
- (c) An acceptable geotechnical overview assessment for the Development Lands; and,
- (d) An acceptable visual impact/landscape assessment for the Development Lands.

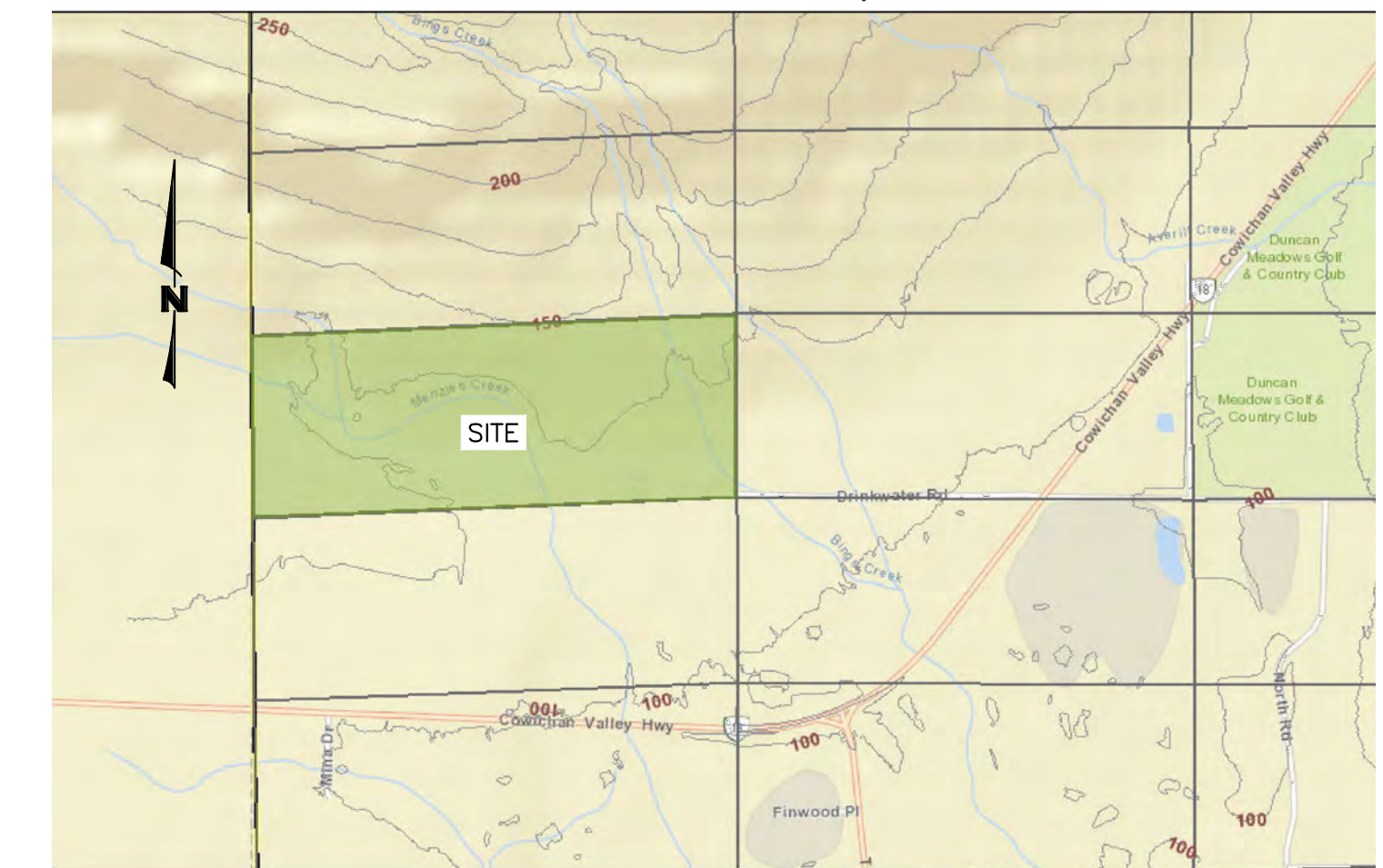
We trust that our commitments set out above demonstrate our sincere intention and desire to be a valuable contributor to the success of North Cowichan and its community members.

Yours truly,

Vancouver Island Motorsport Circuit

A handwritten signature in black ink, appearing to read "Sylvester Chuang".

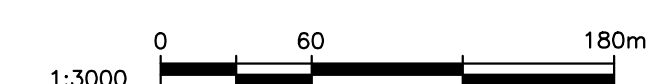
Sylvester Chuang, per Vancouver Island Motorsport Circuit



LOCATION PLAN
NTS

AREA TO BE GIFTED TO MUNICIPALITY			
	OLD AREA	NEW AREA INCLUDING CREEK	PERCENTAGE INCREASE
SHADED AREA			
PHASE 2 SECTION	2.46 ha	4.81 ha	95%
NORTHERN SECTION	8.26 ha	11.92 ha	44%
TOTAL AREA	10.72 ha	16.73 ha	56%

DRAWING LIST	
DRAWING NUMBER	DRAWING NAME
D1	LARGE SCALE SITE PLAN
D2	CIRCUIT SITE PLAN
D3	SITE CLEARING PLAN
D4	RE-VEGETATION PLAN
D5	SOUTH MENZIES CREEK BRIDGE CROSSINGS – PLAN VIEW
D6	NORTH MENZIES CREEK BRIDGE CROSSINGS – PLAN VIEW
D7	CAR STORAGE AREA – SITE SERVICING PLAN
D8	OFF-ROAD TRAIL – SERVICING PLAN
D9	PROPOSED EXPERIENCE CENTER – SITE SERVICING PLAN
SK1	HEROLD ENGINEERING – GAIN PHASE 2 BRIDGES – PRELIMINARY GENERAL ARRANGMENT
SK2	HEROLD ENGINEERING – GAIN PHASE 2 BRIDGES – BRIDGE 1
SK3	HEROLD ENGINEERING – GAIN PHASE 2 BRIDGES – BRIDGE 2
SK4	HEROLD ENGINEERING – GAIN PHASE 2 BRIDGES – BRIDGE 3
SK5	HEROLD ENGINEERING – GAIN PHASE 2 BRIDGES – BRIDGE 4



CLIENT 1909988 ONTARIO LTD.

PROJECT	VIMC PHASE 2 DEVELOPMENT PLAN
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LARGE SCALE SITE PLAN

	88804	DP	D1
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MUN. FILE SHEET 1

LEGAL DESCRIPTION							LEGEND		
							LAMP STANDARD	CLEANOUT	DITCH
							◊ LS ★ LS POLE(Hydro, Tel.) ◊ PP ◆ PP U/G WIRING — UGH — GAS ----- GAS ----- WATER ----- W ----- SEWER ----- S ----- DRAIN ----- D -----	CATCHBASIN ◻ ◼ MANHOLE ◯ ● SERVICE RISER ◊ ● MOUNTABLE CURB —MC— NON-MOUNT. CURB —NMC— EDGE ASPHALT ———	METER Ⓜ Ⓜ FLUSH VALVE ◯+C ◯+C VALVE ⌘ ⌘ REDUCER ▷ ▷ HYDRANT ⚡ ⚡ AIR VALVE Ⓐ Ⓐ
PROJECT DATUM	ELEVATIONS ARE GEODETIC AND TO NAD83	4	ISSUED FOR REVIEW	JUN 13/19					
		3	ISSUED FOR COORDINATION	APR 23/19					
		2	ISSUED FOR DP	SEPT 21/18					
		1	ISSUED FOR COORDINATION	JUL 6/18					
		NO.	REVISION DESCRIPTION	DATE	CHECK	APPR.			

LEGEND									
LAMP STANDARD	LS	LS	CLEANOUT			DITCH			
POLE (Hydro, Tel.)	PP	PP	CATCH BASIN			METER			
U/G WIRING	UGH		MANHOLE			FLUSH VALVE			
GAS			SERVICE RISER			VALVE			
WATER	W		MOUNTABLE CURB	MC		REDUCER			
SEWER	S		NON-MOUNT. CURB	NMC		HYDRANT			
DRAIN	D		EDGE ASPHALT			AIR VALVE			



1A - 3411 SHENTON ROAD, NANAIMO, B.C. V9T 2H1
TEL: 250 - 758 - 4631 FAX: 250 - 758 - 4660
E-MAIL : nanaimo@jeanderson.com

ATTACHMENT C



4195 Sahtlam Road
Duncan, BC V9L 6K3
sahtlamneighbours@gmail.com

September 23, 2019

Rob Conway, Director of Planning
Planning Department
Municipality of North Cowichan
7030 Trans-Canada Highway
Duncan, BC V9L 3X4

Re: Prospero #ZB000064; Folio #05003-300, 05005-100 &. 29019-030; File #3360-20 17.9

Dear Mr. Conway,

Thank you for your letter of August 23, 2019 inviting the Sahtlam Neighbourhood Association (SNA) to comment on Zoning Amendment Bylaw No. 3761 – Zoning Amendment Bylaw (Motorsport Circuit), 2019. The SNA was formed in 2016 to advocate for residents who were being impacted by intrusive noise from “Phase 1” (the existing facility) of the Vancouver Island Motorsport Circuit (VIMC). As you are aware, this issue remains an ongoing concern for our community, and we are grateful to you and Council for providing us with this opportunity.

We have extensively reviewed all documents in the application package, as well as additional documents that have been released by North Cowichan since, specifically the two Navcon reports and our own noise monitoring report. Thus, our comments will include reference to these documents as well. Our concerns with this application are grouped into three sections below: noise impact (acoustics), environmental impact, and economic impact.

1. Noise Impact

As per our noise report (August 2019), ambient (background) noise in the region surrounding VIMC is very low. The noise impact from VIMC, which is the difference between ambient noise and noise from VIMC operations, was shown to be greater than 20 dB at the end

ATTACHMENT C

of Sahtlam Road. According to noise impact standards, a difference of more than 5 dB is a negative noise impact and a difference of 10 dB is a significant negative noise impact. Thus, **VIMC is already having a severe noise impact in our community.** With respect to the anticipated impact of an expanded facility should Zoning Amendment Bylaw No. 3761 be passed, the Navcon Peer Review Reports (May 7 and December 10, 2019) make it clear that **the situation can only be expected to worsen considerably with Phase 2.**

Although VIMC has suggested that engineered noise mitigation will be employed, they have presented no plans that demonstrate (a) exactly how much the noise can be reduced given the local topography and (b) the appearance, number, width, and height of such structures and their overall visual impact. For example, the report by RWDI (September 4, 2018) estimated that several sound walls would be required, with some up to 25 feet tall. In addition, there is nothing in the Zoning Amendment Bylaw nor proposed “Commitments” from VIMC that would guarantee such structures would be built and that they would be effective.

One of our most significant concerns is the noise limit proposed by VIMC. In Attachment 5 of the Staff Report (August 21, 2019), VIMC has proposed a noise limit of “ $LA_{20,15 \text{ min max}} = 59$ dB”. As has already been extensively discussed, this is a **completely inadequate noise limit.** First, it allows VIMC to create noise above 59 dB for a total of 3 out of any 15 minutes. As shown in the SNA noise report, this would not be difficult given the profile of sound transmission from vehicles on the track (see Figure 8 on page 25 of that report). Second, **this metric (percentile decibel level) is completely inappropriate** for motorsports noise: virtually every other racetrack in the developed world uses maximum sound level (L_{Amax}) as units for their noise limits. The reason for doing so is that protocols for measuring vehicle noise trackside, which have been standardized by various motorsports organizations around the world, also use L_{Amax} , allowing for a direct comparison between trackside and neighbourhood noise levels.

With regard to enforcement, while VIMC has offered to secure noise limits via registration of a covenant against the title under Section 219 of the Land Title Act, it remains unclear who will be responsible for pursuing legal action—and shouldering the costs involved—should these conditions be violated. For example, if a resident reports a violation to municipal staff, is there any guarantee that the municipality will take legal action against VIMC to enforce the covenant? And if the municipality decides not to take that step due to budgetary or other considerations, what recourse will residents have for enforcement of the covenant?

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Which brings us to our next point: the **proposed penalty for violating noise limits is completely inadequate**. VIMC is a large corporation with several stakeholders and can easily absorb multiple \$5,000 fines as “the cost of doing business”. In fact, VIMC has already offered to pay for the first five offences “up front” with a letter of credit for \$25,000. To make matters worse, fines are to be paid to the Municipality of North Cowichan. Does this not represent a potential conflict of interest for the municipality? What incentive would the municipality have to prevent future violations if they receive a direct cash benefit each time the noise limit is broken?

In terms of land use, we note that the proposed bylaw amendment includes “Go-Kart Use” as a permitted use in the new comprehensive development zone. The definition supplied for this permitted use includes “racing of go-karts”. In other words, **Go Kart racing would be a permitted use**. The SNA strongly objects to ANY racing or racing-related activities taking place at VIMC. The increase in traffic, noise from public address systems, and crowds has not been accounted for in any noise modelling or noise measurements provided as part of this application. We would also like to point out the conspicuous absence in the permitted use definitions of any restrictions on **drifting**, which is a motorsport whereby drivers intentionally oversteer through turns, causing loss of traction in the rear wheels and accompanied by significant tire screeching sounds.

The SNA is also deeply concerned about the number of exempt “event days” in the proposal. For example, **Go-Kart users would be offered a MINIMUM of 6 events per year** (item 2c on page 82 of the staff report dated August 21, 2019).

NOTE: the staff report describes this commitment from VIMC (which would be part of the proposed covenant) as: “the offer of the use of the facility...to the Vancouver Island Karting Association for up to 6 events per year” (p. 66). However, the actual letter (dated August 6, 2019; Attachment 5 of the staff report) states that they intend to make the circuit available “for a minimum of 6 events per year”. (emphasis added)

Thus, according to the wording of the August 6 letter from VIMC, **any number of go-kart racing events could take place each year**. As if this situation weren’t concerning enough, these events would be **exempt from any noise limits**. Finally, the events described above for go-karting **do NOT include an additional “up to six days a calendar year for special events”** (item C on page 80 of the staff report), which would also be **exempt from noise limits**.

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To summarize the above, there is a significant existing noise problem with Phase 1 of VIMC and absolutely no reliable evidence to show that the situation will not worsen significantly if Phase 2 is allowed to proceed. VIMC has proposed noise limits that are completely inadequate, and the means of enforcement are unclear and potentially involve a conflict of interest for the municipality. Between go-kart racing and other “special events”, this application allows for an unlimited number of days each year that would be exempt from any noise limits.

2. Environmental Impact

The subject lands for the proposed rezoning are located within the Somenos Watershed. In their “commitments”, which would be applied to the covenant, VIMC offers to transfer lands around Bings Creek to the municipality. However, this land cannot ever be developed due to its riparian status, so we find this “gift” to be rather disingenuous. With regard to Menzies Creek, the proposed racetrack expansion would cross this waterway 4 times, and there is insufficient evidence that this would not have a significant impact on its ecology, whether culverts or bridges are involved. There is no doubt that paving over areas within a watershed **will impact the degree to which the land can act as a reservoir**, not to mention the **impact of airborne pollutants and particulates** from motorsport activities on water quality. For example, high-speed motorsport activities create significant tire wear, resulting in “tire crumb”, which ends up in waterways and is very attractive to fish fry, who perceive it as food.

It is our understanding that the municipality reserves the right to establish the size of the protection zone around riparian areas. The current proposal by VIMC leaves only a minimal protection zone. In addition, we understand that the Somenos Marsh Society has partnered with several key players in the region to promote a Greenway Project that would create a wildlife corridor and protect vital waterways, and that this project would include the riparian areas around Menzies and Bings Creek. The SNA is strongly in favour of the municipality extending its full rights to protect these important fish-bearing streams and to support the Greenway Project.

Sahtlam is home to a much-beloved herd of Roosevelt Elk, who frequently wander through our community. The impact of the proposed development and its continuing operations on the herd, including habitat destruction, fencing, and noise, are unknown. The municipality’s third-party environmental review by Golder (April 26, 2019) notes that the **elk will suffer the loss of 43 hectares (100 acres) from their natural habitat, and risk fragmentation due to**

ATTACHMENT C

fencing (see p. 7 of that report). Many other important bird and mammal species inhabit the forested slopes of Mt. Prevost. Aside from habitat loss, the Golder report notes that “loud noise emissions, especially when above ambient in natural areas or greater than 50 dB, has also been shown to cause birds rearing young to abandon the nest causing hatchling mortality” (p. 9).

In regards to recreational enjoyment of the natural environment, VIMC has offered to make available their lands to the north of the proposed comprehensive development zone for lease to either North Cowichan or the Cowichan Trail Stewardship Society (CTSS), and to provide \$600,000 for the construction of a trail on Mt. Prevost. We find it doubtful that hikers and mountain bikers would be interested in trails located immediately adjacent to a motorsport circuit, and we question the value of such a “contribution”.

The \$600,000 offer is also supposed to pay for construction of a “water storage facility” for which no schematics have been presented. How much water is necessary to supplement, in any meaningful capacity, the summer flow of Bings Creek? Assuming a flow rate of 25 gallons/minute, the reservoir would need to hold approximately 2 million gallons for two months of additional flow: that is the capacity of 3 Olympic-sized swimming pools. Is such a facility doable? Practical? What would it look like? And could it be built for \$600,000? As VIMC has provided no answers to these questions, **their offer is effectively meaningless.**

The SNA is also concerned about damage to Menzies Creek during construction of Phase 2. According to the Environmental Impact Assessment Report (June 18, 2019), the creek bed and its existing habitat will be severely damaged during construction of the new track, and it is impossible to predict whether that habitat can ever be restored to its current conditions, especially given it will now be surrounded by an active racetrack. **An additional 4 acres (1.5 hec) of area within the streamside protection and enhancement area (SPEA) will be permanently destroyed.**

North Cowichan has acknowledged that there is a Climate Change Crisis. Surely the corollary to this acknowledgement is to examine development proposals through that lens. A motorsport facility is a potent producer of CO₂ with no tangible benefit to justify its contributions to climate change. Claims by VIMC that they aim to be the first “carbon neutral” motorsport facility simply reflect their intention to purchase carbon credits (and with no requirement to actually do so). The massive habitat destruction required to complete Phase 2 seems a heavy price to pay for a facility that supports an expensive hobby for a small handful of residents and with arguable benefits for this community, which brings us to our final point.

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3. Economic Impact

VIMC has made many claims about the economic benefits they bring to the Cowichan Valley. However, they have provided no data with which to back up these claims. It appears residents are supposed to assume the business is profitable and economically sustainable based solely on the size of their operations and the frequency of their donations, which began in earnest only after VIMC submitted their initial rezoning application in July 2017. The rezoning application references an Economic Impact Study, but this information has not been shared with either the municipality or the public. The original business model called for 499 private memberships, but after 3 years less than 50 were sold, and members were so unhappy that VIMC ended up buying back the memberships and dispensing with the private member model altogether. No formal business plan has been presented for the future of this facility. Given the huge environmental cost to developing this project and the fact that such a facility would be very difficult to sell or repurpose, surely some assurance of economic viability should be presented prior to approving the application? In addition, the majority of jobs at the Circuit are **minimum wage with high turnover rates**. The **number of jobs per acre** for this development is considerably less than what a small manufacturing facility employing high-skilled labour could provide to the local economy.

Furthermore, no attempts have been made to address the negative impact that a 150-acre motorsports facility would have on existing and future businesses in the surrounding area. The Cowichan Valley has branded itself as an agri- and eco-tourism destination. A racetrack does nothing to enhance that branding; indeed noise from the track precludes a peaceful hike on Mt. Prevost or the Sahtlam portion of the Trans Canada Trail. A delightful wine-tasting or a peaceful bed-and-breakfast experience is not compatible with a nearby racetrack. It is difficult to imagine anyone investing in a small, tourism-based business within earshot of the track. On a bad day, the track has been heard in Maple Bay and on Mt. Tzouhalem. There is no data to suggest that this will not be much worse if the track is expanded threefold. Thus, **an expanded track facility may have a significantly negative impact on existing and future businesses** in the area, a factor which has not been addressed in any of the application documents.

The SNA would like to point out that the Urban Containment Boundary (UCB) is a mere 2 km from the Phase 2 property line. Racetracks all over the world are facing pressure from growing residential populations who are becoming increasingly intolerant of the kind of noise

ATTACHMENT C

that motorsports facilities generate. One only need look to the Bear Mountain/Langford area outside Victoria to hear the rumblings of discontent around noise from Western Speedway. Why would North Cowichan consider exacerbating the unresolved headache of Phase 1 by allowing Phase 2 to move forward? There is no doubt that **as the population grows, tolerance for such an operation will diminish**, and an increasing number of residents will make their voices heard - is it wise for the current council to bestow such a problem on a future council?

The application includes a “Summary of Support to Local Businesses and Organizations”. What exactly is meant by “support”? Did the organizations on this list understand that by accepting donations or doing business with VIMC they would be placed on a public list of supported organizations? We have spoken to several people whose companies are on this list, and we urge council **not to assume that the businesses and organizations on this list necessarily support VIMC or this expansion**. Finally, the SNA would like to point out that collectively, our residents provide a significant economic benefit to North Cowichan through patronizing and supporting the many local businesses in this region, and that impact should be considered alongside any impact that VIMC - a company based in Victoria - might have.

In this report, we have noted several issues of concern with regard to this rezoning application and the subsequent expansion of VIMC facilities that it would allow, including acoustical, environmental, and economic impacts. We would like to close by noting that North Cowichan’s Official Community Plan suggests many areas where the rezoning application falls short, including noise pollution and environmental protection. From a regional perspective, VIMC’s proposed expansion also violates many of the priorities of the Cowichan 2050 project. This project will have a profound impact on the Cowichan Valley that won’t be limited to residents of North Cowichan. We hope and we trust that Mayor and Council of North Cowichan will give due consideration to the near-term and long-term future impacts of this facility, and we sincerely thank you for the opportunity to provide this input.

Respectfully,

Isabel Rimmer, Mariah Wallener, Jack Macneill, Kathy Mercer, and Alison Rimmer,
Board of Directors, Sahtlam Neighbourhood Association

ATTACHMENT D



September 25, 2019

Mr. Rob Conway, Director of Planning
Planning Department
Municipality of North Cowichan
7030 Trans-Canada Highway
Duncan, BC V9L 3X4

Via email: rob.conway@northcowichan.ca

Dear Mr. Conway,

Re: Zoning Amendment for Vancouver Island Motorsport Circuit

I wish advise that at the September 16, 2019, Duncan City Council Regular meeting the following resolution was passed regarding the proposed Zoning Amendment for Vancouver Island Motorsport Circuit:

That the City of Duncan provide comment in opposition to the Municipality of North Cowichan regarding Bylaw No. 3761 - Zoning Amendment Bylaw due to the existing, and potentially increasing, noise impacts of the motorsport circuit on the surrounding community.

It should be noted that City Council members reviewed the records related to the rezoning application included in the referral package and referenced the related records listed on the Municipality of North Cowichan's website during their discussion on this matter. Council members expressed concern that the Navcon Peer Review Reports called into question the previous noise study, and Council did not believe they had sufficient information to determine whether an increase to the size of the facility would have impacts as far as the City of Duncan.

Sincerely,

A handwritten signature in black ink, appearing to read "P. MacWilliam", with a long horizontal stroke extending to the right.

Paige MacWilliam
Director of Corporate Services

CC: City Council

CITY OF TOTEMS

200 Craig Street, Duncan, B.C. V9L 1W3 T: 250-746-6126 F: 250-746-6129 E: duncan@duncan.ca W: www.duncan.ca

The logo for the Municipality of North Cowichan, featuring the word "cowichan" in a blue, lowercase, sans-serif font, with a small green leaf-like graphic above the "i".



Cowichan Tribes
5760 Allenby Road
Duncan, BC V9L 5J1
Phone: 250.748.3196

Our file #: RTS e943-250517
MNC file #: 3360-20 17.19

Friday, September 27, 2019

Via Email Rob.Conway@northcowichan.ca

Attention: Rob Conway, Director of Planning
Development and Engineering Services
Municipality of North Cowichan
7030 Trans-Canada Highway
Duncan, BC V9L 6A1 | Canada

Dear Rob Conway;

Re: Zoning Amendment for Vancouver Island Motorsport Circuit

Cowichan Tribes is pleased to be able to provide a response to this referral from the Municipality of North Cowichan (MNC) Mayor and Council. This referral represents the first time that MNC has formally requested consultation with Cowichan Tribes through a referral process. We look forward to receiving future referrals from you and we look forward to working in a proactive and cooperative manner with respect to development proposals on private lands in the municipality.

This letter presents several topic areas where Cowichan Tribes describes our concerns including explaining the background to those concerns for this race track facility in our territory. We also outline several studies and actions needed that will assist in protecting the environment that we value in the vicinity of *Swuq'us*, Mount Prevost.

OCP Review and New Zoning

First let me speak to our objection to MNC considering rezoning, amending a bylaw and the creation of a completely new zone to accommodate retroactivity Phase 1 of this race track and for the proposed Phase 2. Cowichan Tribes staff were informed that MNC would be initiating an Official Community Plan (OCP) review and update this year, however, prior to this process beginning in any substantial way, MNC is creating a wholly new zone called "Motorsport Circuit Comprehensive Development Zone (CD21)". If Bylaw 3761 is adopted the new CD21 zone that is specific only to these lands for a "motor vehicle and driver training facility" would be created. Cowichan Tribes objects to a new zone being created prior to an OCP update. We further point out that during required consultation on this OCP update, Cowichan Tribes would be considering advising on updating zoning in this Industrial Area so that the land would not be converted from a relatively natural state to development purposes, particularly for the many reasons described below.

Origin Story and Quw'utsun Occupation

The proposed Phase 2 of the race track is positioned on the lower southwest slopes of Mount Prevost, known as *Swuq'us*. *Swuq'us* is central to the origin story of the *Quw'utsun Mustimuhw* (Cowichan People) where one of the first people, a man called *Stuts'un*, fell from the sky. *Swuq'us* and the surrounding area are rich in cultural history, place names and many stories are told about it by our Elders.

Menzies and Bings creeks and their numerous tributaries drain from the south and southwestern slopes of *Swuq'us*. At the time of European contact all creeks and waterways in the territory were travel corridors for the *Quw'utsun Mustimuhw* and these two creeks were no exception. The original *S'amuna'* Village was one of the largest villages at the time of contact, at from three to five thousand people, and roughly extended from where the Forest Discovery Centre is now, along the west side of Somenos Marsh through the City of Duncan to the Cowichan River, where *S'amuna'* Village is currently located. When the Esquimalt-Nanaimo Railway was built, inhabitants of *S'amuna'* Village were moved to its present location on Allenby Road. Elders tell us enclaves of the *S'amuna'* Village extended up Bings and Menzies creeks to the lower slopes of *Swuq'us*. Therefore Cowichan Tribes knows that because of past occupation of the area, there is potential for archaeological evidence to be uncovered if a Phase 2 track proceeds.

Archaeology

The provincial archaeological records have no archaeological sites in their data for the area of the proposed Phase 2; this is because no one has actually surveyed the area. Cowichan Tribes knows that excavation, and soil movement in general, associated with the race track could uncover archaeological deposits, human remain and/or artifacts. Because we know that parts of the creeks that flow through the area were occupied by *Quw'utsun Mustimuhw* and there has never been any in-depth archaeological work conducted, Cowichan Tribes requested that the proponent retain an archaeologist to conduct an investigation, preferably an Archaeological Impact Assessment (AIA). On August 14th, 2019 the proponent retained Madrone Environmental Services and they conducted a preliminary field reconnaissance (PFR) and then an Archaeological Overview Assessment (AOA) and Cowichan Tribes received the AOA report on September 5th.

The AOA reported low potential for archaeological finds on the Phase 2 property, except for one bridge crossing which was assessed at low to moderate potential. The AOA recommends a Cowichan Tribes representative be present for this one bridge crossing. Cowichan Tribes however, requests that one Archaeological Monitor be present for each machine that is digging over all of the Phase 2 site.

As is typical of archaeological deposits in this part of the world, most evidence is under the soil surface and not seen unless disturbed. Also it is not readily discernable to the untrained eye. In fact, it has been Cowichan Tribes' experience that even archaeological experts do not always recognize objects of archaeological significance which is why we recommend that a Cowichan Tribes representative from our Archaeological Monitoring Program be retained. The pool of Archaeological Monitors from which Cowichan Tribes draws are from certain families lines that have had knowledge and skills passed down through generations.

Quw'utsun Traditional Use

Swuq'us, its slopes and the creeks that flow from it, have never been the focus of dedicated Traditional Use and Occupancy Studies (TUS). These studies are usually conducted by anthropologists who review existing recorded information and who interview knowledge holders from the community. These knowledge holders are most often Elders, but not always. Given the great importance of this area Cowichan Tribes request a TUS conducted prior to the land being altered irrevocably by a race track.

Resident Roosevelt Elk Herd

In the early 1900s the once extensive population of Roosevelt Elk would roam from north of Lake Cowichan and the Chemainus River all the way to Cowichan Bay and the Gulf Islands. Even since the 1970s the occasional Elk was hunted near Cowichan Bay. Roosevelt Elk are known as *kwewe'uts* in the *Hul'q'umi'num* language. There are a number of Cowichan Tribes members who hold traditional knowledge about Roosevelt Elk and some are also hunters. They caution that the long-term survival of Elk is dependent on the herd's ability to travel freely and access a variety of habitats.

Today the Elk herd travels across the western slopes of *Swuq'us* between the Chemainus River around Copper Canyon and over to the Cowichan River through Tansor, Sahtlam and Paldi. The creek corridors like Menzies and Bings Creeks tie in to this travel route. If Phase 2 proceeds, Elk will be excluded from a core piece of their habitat in the amount of 43 hectares due to fencing for the race track. Physical interruptions to Elk movements such as what has happened with the fencing of the race track property compound the existing stressors to this species, like crossing Highway 18. These stressors have a cumulative impact to Elk. The unprecedented noise levels that the Elk experience especially during special event race days impedes their ability to hear and avoid predators like Cougar. Noise also disrupts their seasonal behavioural processes. The wintering grounds of this Elk herd are located on the southwest slopes of *Swuq'us* so there is no doubt that they will be exposed to continued and increased noise levels as a result of a Phase 2 race track.

Cowichan Tribes receives annual Elk tags to supply elk meat to the community. Cowichan Tribes hunting is restricted to the area between the Chemainus River and Paldi. Cowichan hunters have noted that prior to the first phase of the track being operational, there were four and sometimes five groups of Elk using this area but in the past two years they have only seen one group of Elk. Last year no Elk were seen near the summit of *Swuq'us* an area where they had almost always been seen. Last year in the vicinity of the race track Cowichan hunters also encountered a cougar with a recently killed fill-grown Elk cow, which hasn't been witnessed before. Cowichan hunters are concerned that noise levels from the race track are affecting the presence, abundance and movement of Elk in their hunting area. They are finding that they need to travel and hike further to find the Elk they hunt for Cowichan Tribes' community needs.

The effects of the noise generated from the existing track and the proposed Phase 2 on Elk and other wildlife are not well known from the literature. We note that Golder's independent consultant review of the Aquaparian report states that "loud noise emissions, especially when above ambient in natural areas or greater than about 50 dB has also been shown to cause birds rearing young on a nest to abandon the nest resulting in hatchling mortality." North Cowichan's staff report has indicated the proponent is asking for noise limits of $LA_{20,15 \text{ min, max}} = 59 \text{ dB}$ which can be interpreted as allowing noise levels above 59 dB in any 3 out of 15 minutes, which would exceed what may be considered as a threshold for wildlife. We also

don't know over what area these noise overages would be experienced by wildlife. Presumably since Phase 2 is proposed for a higher elevation up the lower slopes of *Swuq'us*, noise from the track will affect a broader geographic area than is currently generated from the existing race track.

The BC Conservation Data Centre (CDC) has listed Roosevelt Elk as a threatened species and added it to their blue list. In their Conservation Status Report the CDC states that one of the main threats to this species is habitat degradation and habitat loss due to development. It also states that there is a substantial threat to local populations of Elk which are vulnerable to extirpation. Elk populations are already experiencing a long-term declining trend of 30% to 50% ¹. The CDC has stated that population inventories are lacking for this species.

Cowichan Tribes requests an expert study by a consultant of our choosing on the potential adverse effects of the noise generated from this facility on the Roosevelt Elk herd. We also request an inventory of population numbers, and studies on habitat requirements and the seasonal migratory patterns of this herd.

Water and Fish Impacts

Cowichan Tribes will cover this topic area briefly as we know that the Cowichan Watershed Board has brought forward several concerns related to water quantity and quality in their response to this referral. Here are a few of the detrimental effects that would result from a Phase 2 race track:

- Decreased riparian vegetation along a section of Menzies Creek;
- Reduced tree cover by about 25 hectares, most of which is regenerating 40 - 60 year old forest;
- Increased in impervious surfaces leading to rapid run-off and reduced groundwater infiltration; and,
- Reduced water quality from Stormwater run-off of both surface and groundwater.

All of the above have the effect of decreasing hydrological function and environmental health at the site of the proposal as well as downstream of it.

This year local environmental groups have gathered concerning water quality results for Menzies Creek with no identified source of the contamination. Should the Phase 2 track be approved by North Cowichan, Cowichan Tribes recommends a water quality monitoring program be implemented as soon as possible with the hope of identifying and tracking point and non-point source inputs into Menzies Creek. Installation of gauging stations to gather quantitative data is recommended to determine effects on the hydrological function of the proposal.

To date no recent inventories of fish and fish habitat have been conducted for this part of Menzies and Bings creeks. Local knowledge attests to resident cutthroat trout but the absence of anadromous fish (i.e. salmonids). However, traditional knowledge holders confirm that these creeks once provided habitat for Coho salmon. In 1988 the Ministry of Environment reported Coho in Menzies Creek. Cowichan Tribes sees this Phase 2 development as a deterrent to future attempts to improve aquatic habitats for fish in these creeks. In fact, because of the multiple adverse factors accompanying this race track development,

¹ BC Conservation Data Centre. 2010. Conservation Status Report: *Cervus elaphus roosevelti*. BC Ministry of Environment. Available: <http://a100.gov.bc.ca/pub/eswp> (accessed September 26, 2019)

the Phase 2 development will preclude this part of the creek, and upstream of it, of ever again supporting salmonids.

Further studies are required to competently assess the effects of a water storage reservoir, such as identifying an appropriate location for it, clarifying its purpose and water storage requirement, as well as geotechnical and hydrogeological studies.

The proponent for the race track has offered lands and funds to North Cowichan for the construction of a reservoir to store water for the purpose of fire prevention for the race track property and other industrial uses in the vicinity. According to mapped information, this reservoir is proposed to be located at Bings Creek which would impact the integrity of this creek. According to the materials shared by MNC “a new water supply reservoir is expected to promote the more intensive use of industrially zoned lands in the area as it will become easier for property owners to comply with building code requirements for fire protection and eliminate the need for land intensive on-site water storage.” As stated earlier, Cowichan Tribes has concerns with intensifying industrial development on the lower slopes of *Swuq’us* and we look forward to commenting on an updated Official Community Plan regarding zoning in this area, and others, in our territory.

A Few Words About Climate Change

As you are aware concerns about climate change have been top stories in international news lately. Although scientists have known for decades that human-driven climate changes were happening there is much that governments can do to influence citizen emissions reductions in their uses of fossil fuels. Cowichan Tribes is aware that several local government agencies have declared Climate Emergencies including MNC. I encourage MNC to consider closely the many negative impacts to carbon dioxide level reductions that this race track proposal represents. To list a few emission sources: racing cars 7 days a week; travel between Villa Aerie and the race track (car, helicopter or airplane); international and interprovincial air transportation of clients to and from the race track; and loss of forest cover since trees mitigate carbon emissions because they are carbon sponges. All governments need to act to meet climate change targets.

Cowichan Tribes looks forward to your considered response to the concerns and recommendations that have been outlined in this letter. If you require clarification or have questions about this referral response, please do not hesitate to contact me, or Referrals Coordinator, Tracy Fleming at Tracy.Fleming@cowichantribes.com.

Sincerely,



Chief William C. Seymour

WS/f



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September 27, 2019

File: MNC Referrals

Rob Conway MCIP, RPP
Director of Planning
Municipality of North Cowichan
7030 Trans-Canada Highway
DUNCAN, BC V9L 3X4

Dear Mr. Conway,

**Re: Municipality of North Cowichan Zoning Amendment Bylaw 3761
Vancouver Island Motorsport Circuit**

Thank you for referring Bylaw 3761 to the Cowichan Valley Regional District (CVRD) for comment. The CVRD Board has directed staff to provide technical comments concerning the proposed amendment bylaw and staff from the CVRD Community Planning, Economic Development and Environment Divisions respectfully offer the following:

Local Planning Context

The Vancouver Island Motorsport Circuit (VIMC) site is located in the Municipality of North Cowichan (MNC) and current zoning [Industrial Heavy Zone (I2) and Commercial Rural Recreation Zone (C8)] permits a variety of uses. The rezoning proposal would accommodate an expanded track and associated facilities predominantly on the parcel currently zoned I2.

The site is adjacent to CVRD Electoral Area E – Cowichan Station/Sahtlam/Glenora. The Cowichan-Koksilah Official Community Plan (1994) characterizes the plan area as predominantly rural residential and resource-based, with plan goals to preserve rural agricultural character, encourage sustainable forest and mineral resources, and protect environmentally sensitive aquatic and natural resources. Over the past 25 years since the plan's inception, the prevalence of forestry and related industry has decreased while the Sahtlam area has become increasingly rural residential in nature. Given the lack of congruency between the rural residential character of the Sahtlam area and more industrial nature of the VIMC site, MNC is encouraged to consider available opportunities to mitigate potential land use, noise and nuisance related impacts on Electoral Area E - Sahtlam residents.

Regional Context

In the absence of a Regional Growth Strategy, Cowichan 2050 provides a framework for collaborative decision making to address issues and opportunities of regional significance: growth management, climate adaptation, ecosystem stewardship and biodiversity conservation, watershed management, transportation and reconciliation. A cursory review of VIMC application materials suggests that many of these topics have been or are currently being contemplated through the rezoning process. CVRD staff offer the following specific comments regarding the potential impacts of the VIMC proposal from regional environmental and economic perspectives:

Environmental Considerations

Menzies Creek is a sensitive watercourse, possibly fish-bearing, and reducing the number of crossings of the track and other access roads would be beneficial. Further, where crossings are unavoidable, bridging would be preferable to culverting. Proposed adjustment to the creek crossings is positive as is the increased value of storm water attenuation proposed outside streamside protection enhancement areas.

CVRD staff note that there are surface water quality issues and a lack of long term monitoring, particularly related to control of metals and hydrocarbons, across the region. There is a particular concern, in this case, with potential impacts to the Menzies Creek system from routine track facility operations, spill management during fueling, and accidents. Ongoing water quality monitoring downstream is recommended along with public reporting of water quality data.

CVRD staff also note the trend toward declining avian and amphibian populations across the region and potential for further water resource and biodiversity impacts resulting from the removal of forest and early seral vegetation. Consideration for such values could be addressed through appropriate landscape - habitat planning and species selection, habitat banking or compensation, invasive species removal and avoidance of pesticides.

Commitments to support recreational activities on adjacent Mt. Prevost are notable and supported, however, additional substantial public pressure on sensitive ecological environments should be considered with mitigation strategies developed.

Lastly, given increasing climate-related concerns, it may be advantageous to consider the potential direct and indirect impacts of the VIMC facility on greenhouse gas emissions (GHG). It is recommended that potential GHG impacts be assessed and opportunities explored to reduce or offset such impacts.

Economic Considerations

The Cowichan Industrial Land Use Strategy, completed earlier this year, identified an acute shortage of industrial land in the Cowichan Region, with only 0.44% of the total area zoned and designated industrial land. The report noted: *the need to manage, develop and expand the footprint of key employment lands must be a critical priority for local government if the diversification of our local employment base is to continue.* A key recommendation of this strategy was to *"Discourage the conversion of appropriately zoned industrial land to non-industrial uses."*

The report also identifies the need to *"Research, Promote and Identify New Locations for Industry Clusters"*.

The Economic Development Cowichan 2018-2022 Strategic Plan notes, *"The landscape of sector activity is changing in the Cowichan. Traditional sectors are in transition and new opportunities are emerging that will diversify and strengthen the regional economy, provide well-paying jobs, opportunities for new investment as well as the retention and attraction of skilled workers."*

It is expected that the proposed development of the VIMC facility would present new opportunities to support business retention and expansion, particularly in the tourism sector. Moreover, a unique opportunity exists to utilize the VIMC facility for research and testing of new vehicle technology, zero-emission vehicles and automated vehicles, which could contribute to further regional economic diversification and expansion of the technology sector – an emerging sector in the region. Please visit: <https://www.tc.gc.ca/en/services/road/innovative-technologies.html> for further information.

Building on this, and in order to mitigate the loss of industrial land, it may be wise to consider whether there is an opportunity for VIMC to incorporate the development of serviced industrial lands as part of the proposed development.

Thanks to North Cowichan Council and your Planning staff for the opportunity to comment on proposed Bylaw 3761 and we wish Council well in its deliberations.

Yours truly,

A handwritten signature in black ink, appearing to read 'Ann Kjerulf', with a stylized flourish at the end.

Ann Kjerulf, MCIP, RPP
General Manager
Land Use Services Department

AK/sb

cc: CVRD Board of Directors
Brian Carruthers, CAO

Vancouver Island Motorsport Circuit Public Hearing Presentation

OCTOBER 1, 2019

1

Overview



- Introduction
- First Nations and archaeological considerations
- Environmental considerations
- Engineering considerations
- Fire interface considerations
- Sound impact mitigation
- Community engagement
- Policy perspectives
- Conclusion

2

The purpose of the rezoning



- **Phase 1 will continue to operate.**
 - Changes to current status come through the rezoning
- **Rezoning purpose:**
 - To support significant investment in an expansion.
 - To resolve outstanding issues of:
 - Zoning
 - Sound impacts of phase 1 + 2
 - To secure significant community benefits:
 - Protecting natural lands
 - Trails
 - Infrastructure
 - Financial support

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Project history



1. Land purchased from municipality and timber companies
2. Phase 1 planned, designed, approved and constructed - 2014-2016 (#DP000054)
3. Phase 2 rezoning application - 2017
4. Rezoning application amended with new site plan in response to community input - 2018
5. Development permit application - 2018

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Economic benefits for North Cowichan community



- **Over 45,000 people have attended events at VIMC since 2016.**
- **Phase 1**
 - \$1.5 Million annual contribution to local economy
 - \$158,000/yr in municipal taxes
 - Construction: 124 jobs
 - Operation: 21 jobs
- **Phase 2**
 - Over \$36 Million investment
 - Over 200 construction jobs
 - Nearly 30 FT jobs for operation
 - Est \$4.5 Million into local economy
 - Est \$400,000 total in municipal taxes / yr

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First Nations and Archaeology

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First Nations Consultation

2017

- Consulted Chief William Seymour on proposed expansion
- Walked site with elders and staff

2018

- Provided bursaries to Cowichan Tribes and advocated for educational opportunities
- Many interactions with elders

2019

- Hosted winter dinner event for Cowichan Family and Child Services
- Hired Cowichan staff
- Multiple meetings with Cowichan Tribes
- Several site walks to discuss expansion plans.



7

Archaeological review

Madrone



- Archaeological review of Phase 2 area

- The VIMC expansion has **"low potential to impact archaeological deposits."**

Recommendation:

- A member of the Cowichan Tribes be present to monitor construction of bridge crossing #3 – archaeological potential of land near the east bank is low to moderate.

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Environmental considerations

9

Environmental considerations

Aquaparian



Overview:

- Riparian protection
- Reforestation
- Protection of Elk habitat
- Protection of lands for parks and support for trails
- Climate

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Bings and Menzies Creeks



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Reforestation



- Repair of previous owner's logging damage to Bing's creek proposed

Forest condition on Phase 2 parcel

- Part 40 yr old logged forest
- Part fully cleared / disturbed

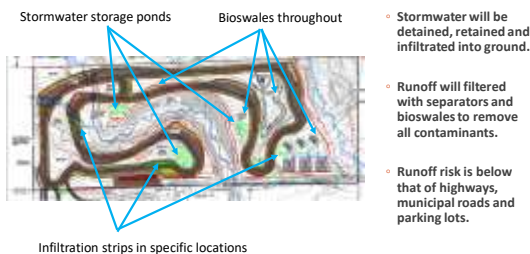
Reforestation after construction on Phase 2

- 74% of parcel will be reforested / revegetated



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Groundwater management



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Wildlife



- The site will be encircled with a wildlife fence
- The circuit is fully video monitored and controlled when in use

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Land proposed for protection



- Bing's Creek corridor offered to municipality.
- Uplands (A-4) area offered for preservation and use as trails.
- Financial support offered for construction of trails to link to Mt Prevost.

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Climate action planning



- Acknowledgement of North Cowichan's commitment to action on climate change
- Cowichan Energy Alternatives Society contracted for:
 - Emissions baseline
 - Climate action plan
- Operating target:
 - The first climate neutral training Circuit in North America
- Greening industry
 - Industrial leadership in Cowichan Valley

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The next generation of mobility in the Cowichan Valley



- Circuit's vehicle companies
 - Leading progress on zero emission vehicles
- BMW, Porsche, Audi, Mercedes, others launching mainstream zero emission vehicles

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SITE SERVICING AND CIVIL ENGINEERING

JEFF TOMLINSON
JIM BUCHANAN, P.ENG



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OUTLINE

- SERVICING
 - Briefly review the site servicing
 - Water
 - Sewer
 - Access
- STORMWATER MANAGEMENT
 - Impact from circuit construction
 - Changes in run-off
 - Rainwater and storm management
- SUMMARY



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SITE SERVICING

- Water servicing to be serviced from public water main
- On-site septic disposal
- Access will be via Drinkwater Road
- Rainwater management will be via sub-surface and above ground facilities



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WATER SERVICING

- VIMC constructed the watermain and pump station along Drinkwater Road during Phase 1.
- Public water reservoir site will be provided.
- Site water servicing including domestic use and fire protection will be connected at the Drinkwater Road watermain.



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SEWER

- Septic disposal locations on-site
- Septic disposal will be in accordance with Island Health requirements
- Sewage treatment is proposed for the Experience Centre



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ACCESS

- Site will be accessed from Drinkwater Road.
- The extent of road upgrades will be determined during the Development Permit process.
- Access to the future water reservoir site will be from Drinkwater Road.



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STORMWATER MANAGEMENT

- Existing Conditions
- Development Impact
- Drainage Guidelines for Mitigating Development Impact



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EXISTING CONDITIONS

- Predominantly vegetated with mature growth along the west and immature growth in northeast
- Menzies Creek and Bings Creek flow through the site
- Existing soil conditions over most of the site are expected to be glacial till
- Historical logging operations directed overland flows along old logging and skidder roads.
 - Causing erosion down steep ravines
- A 2400mm culvert has recently been installed on Menzies Creek



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DEVELOPMENT IMPACT

- Menzies Creek bridge crossings
- Reduction in creek storage related to bridge installations
- Redirecting point discharges away from steep ravines
- Maintaining sheet flows to vegetation
- Increased flows due to vegetation removal and proposed hard surfaces
- Potential contamination from possible future fuel filling areas
- Potential contamination from vehicles



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DRAINAGE GUIDELINES FOR MITIGATING DEVELOPMENT IMPACT

- Direct first 12mm of drainage to wide expanses of vegetation
- Second 12mm of drainage to a maximum of 1.4 L/s/ha to be directed to infiltration within surface ponds, French drains, detention controls and vegetation.
- Detention of 5, 25 and 200 year storm flows within underground rock and concrete tank storage as well as surface ponds
- Control water quality using vegetation and infiltration where possible. Areas where oils and sedimentation is likely should be controlled with sumps and oil interception prior to release into infiltration systems.
- Erosion and sediment control during construction shall be designed to Aquaparian's recommendations and maintained until revegetation has been established.



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SUMMARY

- Domestic water and fire water will be supplied by the Drinkwater Road water system
- Sewage disposal will be via on-site systems
- Storm water management will be controlled with a combination of sub-surface and surface infrastructure.
- Storm water quality will be controlled with sumps/oil interceptors and vegetated bioswales depending on risk and circuit design requirements.
- Individual servicing details will be provided during the design stage



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Wildfire considerations

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Wildfire interface considerations



- **Public concern expressed in relation to fire hazard**
 - OCP identifies development area is within 'Extreme Fire Hazard zone'
- **Assessment and Interface Plan completed May/June 2019**
 - 1) Assessed risks of fire initiating and spreading from the site into surrounding wildfire urban interface
 - 2) Recommendations for mitigating and managing risk

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Wildfire interface considerations



- **A variety of fuel types, breaks and wildfire threat levels surrounding site**
 - Related to stand age, structure and composition
- **OCP extreme fire hazard classification**
 - = Contiguous upland industrial forest land and limited WUI to north and west
 - Most likely direction of extension under extreme conditions
- **Wildfire urban interface to south and east = low**
 - = Least likely direction of extension due to amount of open land, firebreaks and mixed forest types and rural residential / agricultural landscape

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Wildfire interface considerations



- **Risk of wildfire initiating and spreading from existing motorsport circuit is LOW**
 - Cleared site, mowed, gravel verges, emergency response system
- **Fire Smart Vegetation Management recommended**
 - Remove/chip slash, prune ladder fuels from existing C4 vegetation type (young conifer stand)
 - Risk is due to current stand structure (until it matures)

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Wildfire interface considerations



Further risk management recommendations:

- Maintain road access to entire property for rapid response
- Additional staff training for responding to vehicle fires and initial attack of any vegetation fire
- Review procedures and prepare written fire response plan for a variety of fire scenarios on site

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Wildfire conclusion



- **Phase 2 development reduces fire risk due to:**
 - Track standards
 - Borders
 - Implementation of firesmart guidelines
 - Enhanced fire responses capacity

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Sound management

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Vancouver Island Motorsport Circuit Community Noise Assessment

RWDI

Outline

- October 2016 Noise Assessment
- Concerns Raised by SNA and Peer Review Study
- Proposed Noise Level Limits
- Noise Mitigation

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October 2016 Noise Assessment

- **Measured noise levels at 4 sites:**
 - Site 1 – By the Circuit
 - Site 2 – By the Highway
 - Site 3 – Mina Dr.
 - Site 4 – Sahtlam Rd.
- **Measurements conducted on two different days:**
 - August 28, 2016 – Busy Members' day at VIMC
 - September 16, 2016 – VIMC not operating

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October 2016 Noise Assessment



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October 2016 Noise Assessment

- **Measurements based on:**
 - Equivalent Sound Level, L_{eq}
 - Maximum Sound Level, L_{max}
- **L_{eq}**
 - A measure of the average sound exposure over a given time period
 - Most widely used metric for assessing community noise
- **L_{max}**
 - Maximum noise level occurring within a given time period

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October 2016 Noise Assessment

- **Assessment framework:**
 - Influence of VIMC on the L_{eq} and/or L_{max}
 - CVRD Noise Bylaw limits
 - 60 dBA for continuous noise
 - 80 dBA for non-continuous noise

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October 2016 Noise Assessment

Summary of Results

Site	L _{eq} (5-min) (dBA)		L _{max} (dBA)	
	Circuit-Day	Non-Circuit Day	Circuit-Day	Non-Circuit Day
Mina Dr.	46-51	46-54	66	67
Sahtiam Rd.	38-52	37-56	65	67

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October 2016 Noise Assessment

• Key Results/Conclusions

- Noise levels at residential sites comply with CVRD Noise Bylaw Limits
- VIMC operation did not increase L_{eq} or L_{max}

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Navcon Peer Review

• Primary Issue #1: Level of Activity at the VIMC

- VIMC operation typical of a “busy members’ day”
- 12 vehicles operating (max. allowable)
- L_{max} at the circuit consistent with highest noise levels of street legal cars

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Navcon Peer Review

• Primary Issue #2: Noise Nuisance

- Human perception of noise is subjective
- Quantitative limits are provided to address this subjectivity
- L_{eq} can be used to estimate the community response to noise.

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SNA Noise Impact Report

• Primary Issue #1: Technical Qualifications

- Noise assessments should be carried out by independent and qualified personnel (e.g., P. Eng.)

• Primary Issue #2: Use of BS 4142

- Standard not intended for motorsport noise

• Primary Issue #3: Overcalculated Noise Impact

- Used lowest background noise measurement

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Proposed Noise Level Limits

• Three noise level limits based on CVRD bylaw:

- L₂₀ 59 dBA
- L_{eq} 59 dBA
- L_{max} 79 dBA

• Noise level limits are consistent with land use:

- Industrial land adjacent to Residential

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Noise Mitigation



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Summary

- **Noise monitoring indicates the track produces levels similar to existing ambient community noise due to highway traffic.**
- **Noise assessment is consistent with historical and expected track operations and is appropriate**
- **Proposed noise limits**
 - Are appropriate and consistent with local jurisdictions
 - Use appropriate and accepted scientific parameters that reflect community response
 - Are achievable by the facility
- **Proposed mitigation will help reduce sound levels from the track**

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Community relationships

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Community engagement



Overview

- Community support
- Formal and informal engagement
- Community integration
- Responses to community input
- Addressing myths

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Community Support



- a) The Circuit supports the community
- b) The community supports the circuit

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Formal and informal engagement



- a) Municipality approved the Community Engagement Plan



- b) Spring 2018 (two open houses)
- c) Fall 2018 (one open house)
- d) Further discussions

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Community integration

"We support the community by being a part of it."



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Responses to community input



1. Changed Phase 2 design and footprint
2. Investing in bridges to protect Menzies creek
3. Repairing and offering donation of Bing's creek corridor
4. Protection and reforestation
5. Protecting Elk habitat
6. Climate action planning
7. Installing sound controls
8. Eliminating helicopters and other uses
9. Sound fencing and barriers
10. Neighbourhood sound monitoring
11. Additional consultation efforts with groups including site walks and meetings
12. Support local social groups and businesses

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Myths and facts



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Policy perspectives

58

The role of industrial lands in North Cowichan



- **Heavy industry is necessary**
 - Employment and servicing residents and businesses
 - Minimizes excess heavy trucking (vs over 350 logging trucks / day on highway)
 - Located in low population rural areas
- **Tradeoffs in every industrial area**
 - The benefit of the entire municipality versus a few nearby
- **Drinking water industrial area zoned heavy industry many decades ago**
 - Before any complainants moved into area.
 - Be cautious about gentrification of industrial lands

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Meeting North Cowichan's policies

- **1) Phase 2 preserves rural character, lands and habitat**
- **2) Enhances public trails – Mt Prevost**
- **3) Grows municipal industrial base**
- **4) Supports environmentally responsible and lower impact industry**
- **5) Supports climate action and clean vehicles**
- **6) Supports municipal infrastructure**



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Summary



1. A heavy industrial centre for the municipality
2. Major economic benefits for entire municipality
3. A good relationship with Cowichan Tribes
4. Significant relationships with entire municipality – groups, businesses
5. Proactive on climate issues
6. Protection and repair for streams
7. Enhanced forest and trails lands
8. Reduced wildfire interface risk
9. Meets full spectrum of North Cowichan policies
10. Significant investment in addressing concerns of neighbouring electoral area – incl Phase 1

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The purpose of the rezoning and the choice before Council



Purpose

- To address issues raised by Phase 1 and support progressive industrial growth.

Choice

- To move forward with solutions to problems, improvements, protection and public benefits, or;
- Continue operation of Phase 1 with no improvements or solutions and continue the past conflicts into the future.

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Thank you



We are all here to answer questions and offer clarity

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The Corporation of the District of North Cowichan
Zoning Amendment Bylaw (Motorsport Circuit), 2019
Bylaw 3761

The Council of The Corporation of The District of North Cowichan enacts as follows:

1. ***This Bylaw may be cited as "Zoning Amendment Bylaw No. 3761, 2019".***
2. ***Section 12 of Zoning Bylaw 1997, No. 2950 is amended by adding the following definitions:***

"go-kart use" means the use of buildings, structures, or land for the maintenance, repair, operation and racing of go-karts.

"motor vehicle testing and driver training facility" means the use of land for a motorsport circuit and off-road circuit that hosts a variety of motor vehicle driving programs in different configurations with different groups, including but not limited to

- (a) motor vehicles driving the circuit to achieve and improve lap times;
- (b) motor vehicles practicing emergency braking, lane changes, cornering and other procedures including some at high speed;
- (c) multiple motor vehicles using the facility simultaneously including during club or manufacturer activities to achieve and improve their driving skills;
- (d) facilities and repair areas to change settings of motor vehicles, change tires, conduct minor maintenance and repairs, and set up motor vehicles;
- (e) club with restaurant, office, retail store, the sale of food and beverages, change rooms and ancillary amenities;
- (f) parking, off-street parking, covered parking, maintenance, warehouse and storage facilities.

"motor vehicle presentation centre" means the use of a building, structure or land for the display, storage and sales of motor vehicles, motor vehicle parts, accessories and merchandise, including ancillary offices and facilities.

"motion picture and television filming" means the filming and production of motion pictures or television shows or series.

3. ***Zoning Bylaw 1997, No 2950, is amended in section 43 [Zones] by adding***
"Motorsport Circuit Comprehensive Development Zone (CD21)".
4. ***Zoning Bylaw 1997, No 2950, is amended by adding the following section after 80.20:***

Motorsport Circuit Comprehensive Development Zone (CD21)

Permitted Uses

- 80.21** (1) The permitted uses in the CD21 zone are as follows:

- Accessory Building
- Accessory Fueling Installation
- Accessory Restaurant
- Accessory Use
- Assembly Hall
- Fitness Centre/Gymnasium
- Go-kart Use
- Motion Picture and Television Filming
- Motor Vehicle Autobody Repair
- Motor Vehicle Parts and Accessories Sales
- Motor Vehicle Presentation Centre
- Motor Vehicle Repairs
- Motor Vehicle Sales
- Motor Vehicle Storage Yard
- Motor Vehicle Testing and Driver Training Facility
- Recreation Area
- Warehouse

Minimum Lot Size

- (2) The minimum lot size for the CD21 zone is 2.5 ha.

Minimum Frontage

- (3) The minimum permitted frontage for the CD21 zone is 30 m (98.43').

Maximum Lot Coverage

- (4) The maximum permitted lot coverage for the CD21 zone is 50% of the lot area.

Maximum Floor Space Ratio of All Buildings and Structures

- (5) The maximum permitted floor space ratio for the CD21 zone is 0.5:1.

Minimum Setbacks

- (6) The minimum setbacks for all buildings are as follows:

Front yard - 6 m (19.7'); 18 m (59') from an arterial highway

Side yard - 3m (9.8')

Rear yard - 6m (19.7')

Maximum Building Height

- (7) The maximum building height for the CD21 zone is 15 m (49.2').

5. ***Schedule "C" of Zoning Bylaw 1997, No 2950 is amended by reclassifying, to Motorsport Circuit Comprehensive Development Zone (CD21), the lands shown as the "Subject Properties" (PIDs: 009-751-297; 029-201-675; 014-104-067), and outlined in bold on the Schedule attached to and forming part of this bylaw.***

READ a first time on August 21, 2019

READ a second time on August 21, 2019

CONSIDERED at a Public Hearing on

READ a third time on

APPROVED by Ministry of Transportation and Infrastructure on

Covenant Registered on

ADOPTED on

CORPORATE OFFICER

PRESIDING MEMBER

Schedule

