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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

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 “ $LA_{20,15 \text{ min max}} = 59 \text{ dB}$ ”. 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?

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**.

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**

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.

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

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

