

July 24, 2019 *(An updated list with additional names was sent on July 29, 2019)*

Mayor and Council
District of Metchosin
4450 Happy Valley Road
Metchosin, BC V9C 3Z3

Re: 3659 Sooke Road Temporary Use Permit ("TUP") application, soil recycling facility

The individuals listed at the close of this letter have serious concerns about the above noted application for a TUP. We urge Metchosin Council to deny the requested permit for the following reasons:

I. Proposal conflicts with Metchosin's Official Community Plan ("OCP")

The site for the proposed activities falls within an Uplands area, described in the OCP as "a fragile and sensitive environment that deserves protection." (OCP 6.7). We also draw your attention to specific Uplands objectives within the OCP:

- 6.7.3 In addition to residential uses, the Land Use Bylaw should permit uses consistent with sustaining a rural agricultural economy such as farming and home businesses.
- 6.7.4 Owners of Upland lots shall be encouraged to use special care to ensure conservation of sensitive habitats.

The proposal has no direct relevance to agriculture, nor is it a "home based" business. Far from conserving sensitive habitats, it would introduce industrial activity serving the commercial interests of the applicant. In short, the application is wholly incompatible with the values and objectives described in the OCP around Uplands.

II. Re-Zoning versus TUP: Community, not private, interests should be the priority.

We recognize that the OCP and municipal bylaws allow for the granting of TUPs. However, when the proposed land use is contrary to the OCP's stated objectives, established zoning, and Council's "Keep Metchosin Rural" policies, we believe that the only reason for granting a TUP is if a clear and compelling public interest is served. No such public good is served with this proposal.

An industrial facility proposal should require a re-zoning application. Rezoning applications give both Council and residents sufficient time to consider and be consulted on potential impacts, to explore accommodations such as land protection or contributions to the Park Acquisition fund, and to assess possible benefits to the District such as higher taxes.

Considering the current proposal as a TUP essentially circumvents the appropriate zoning process. If approved, it risks setting a precedent for large-scale industrial activity in Metchosin through a TUP “short-cut” rather than through the appropriate re-zoning process.

III. A “temporary” land use should not carry risks of “permanent” environmental impacts

The proposed site of industrial activity is within the headwaters area of Bilston and Metchosin Creeks, and is surrounded by important habitats for fish and wildlife. Extensive tracts of forested land on the Langford side have recently been clear-cut to make way for the industrial park. This makes fish and wildlife habitat protection on Metchosin lands critical.

Granting a “temporary” land use permit that is very likely to have permanent environmental impacts is detrimental to community interests. The proposed operation would entail significant environmental changes to the land and significant waterways:

- Complete tree removal over the two hectare site.
- Large volumes of new fill brought in to alter elevation and slope on the site for the creation of a work area for soil/rock processing machinery. We have been advised that this alone could mean as much as approx. 30,000 cubic metres (3,000 truckloads). This should be considered a permanent impact on the land.
- Industrial dust and noise pollution are a feature of any “dry” soil recycling. We note there is no indication in the Madrone report of water use to minimize dust, which would be a concern in and of itself. Dust and noise will be further increased by the large volume of trucks regularly arriving and leaving with material.

Further, the applicant claims that there would be no contamination issues because the “majority” of soil brought on site will be from CRD operations. This is non-specific and provides no assurance. We note that even CRD materials could originate from roadways and ditches. Furthermore, there is no indication of the source of other materials. A rigorous monitoring program at this operation would be necessary to ensure that contaminated material is not processed.

This application also raises concerns about potential water use and impacts on surface and groundwater. The Madrone report provides little information on possible water use for the facility. The subject property overlies Aquifer #606, which is the same aquifer beneath all of Metchosin

and which supplies over 600 wells in the District. A CRD report confirms the need to protect this vital water source used by so many Metchosin residents:

“This partially confined aquifer [#606] is considered highly vulnerable to contamination from human activities at the surface. ...the vulnerability of the aquifer may be increased by the fact that water can travel rapidly through bedrock fractures, compared to the speed of water travel through the pore spaces of unconsolidated sediments.” (*Sylvia Kenny, Aquifers of the Capital Region, 2004, p. 58-59*)

Ultimately, TUPs should only be granted if Council is confident that there will be no permanent changes or damages to the land in its current condition, to waterways and groundwater, or to fish and wildlife species.

IV. The District’s history of enforcement

Residents have long been raising concerns about ineffective bylaw enforcement within the District, particularly in regard to unregulated soil dumping. **The Mayor and Council should be aware of previous complaints about unregulated dumping on the proposal site** (see December 10, 2018 Council Meeting Minutes).

While not strictly a soil-dumping application, the proposal would nevertheless see thousands of loads brought to the site over the tenure of the permit. We ask:

- Does the District have the resources and ability to closely monitor the facility over the course of the TUP timeframe to ensure loads are of clean material?
- How would the District monitor sediment and erosion issues that could impact surface water?
- How would the District monitor groundwater impacts and possible industrial draw on the aquifer for any water used in the operation?
- How would the District monitor noise and dust levels from machinery and trucks?
- Has the District examined the previous operational record of the applicant to ensure that they conduct business in a responsible and community-minded manner?

We also question how a proposed soil recycling operation would conform to the temporary timeframes allowed by a TUP (three years, with a possible three-year extension). It strikes us as commercially unrealistic that the applicant would propose permanent changes to the site and make a significant investment in a large-scale business only to cease operations after three (or, possibly, six) years.

Being so clearly in contravention of the OCP and carrying no significant benefits for the community, we, the undersigned, respectfully ask that Council deny this TUP application.

Mark Atherton

Kathy Atherton

Monique Anstee

Dara Ashton

Brian Asmussen

Bev Bacon

Keith Baker

Jan Bettinson

Bonnie Bouveur

Marcel Bouveur

Shannon Carmen

Linda Cave

Jacqueline Clare

Geoff Cooke

Joanne Cote

Dan Cote

Brad Doney

Shelly Donaldson

Dave Edwards

Susan Edwards

Dorothy Elias

Bonnie Farris

Michael Farris

Mike Fischer

Dominique Gagnon-Mosco

Beverley Hall

Norm Hardy

Nitya Harris

Kym Hill

Bryan Henry

Joanna Henry

Rhonda Henry

Cheryl Holden

Richard Hopkins

Christine Hopkins

Peggy Jervis

Wesley Johnson

Charles Knighton

Len Kowalyshen

Richard Kowalyshen

Jackie Larkin

Nicole Lalonde

Gaert Linnaea

Kem Luther

Marianne Macdonald

Ron Macdonald

Sandy Macpherson

Adele Matte

Raman McArthur

Ruchi McArthur

Janet McDonald

Dave McDonald

Ian McKenzie

*(President of the Bilston Watershed
Habitat Protection Association)*

Frank Mitchell

Wendy Mitchell

Chris Moehr

Jochen Moehr

John Mosco

Shelia Moulton

Daniel O'Connell

Jannie Page

Charlie Parker

Robert Patterson

Ric Perron

Debra Pile

Wendy Poole

Monika Povoden

Maurice Robinson

Joan Rosenberg

Kathy Saluke

Selby Saluke

Barb Sawatsky

Glenn Schentag

Nicole Shukin

Jay Shukin

Diana Smith

Gary Smirfitt

Charmian Traverso

Cheryl Taves

Russ Townsend

Eileen Townsend

Christina Waugh

Brenda West

Neil West

Jennifer Whitehouse

Pattie Whitehouse

Karyn Woodland

Derek Wulff

Mary Wulff

Avril Yoachim