

The Property Owners

[REDACTED]
Pender Island, BC V0N 2M1

November 29, 2024

Re: Rezoning Application PLRZ20240110 (Bigham)

Via email:

North Pender Island Local Trust Committee Members

Dear Trustees Campbell, Maude and Morrison:

Regarding rezoning application PLRZ20240110 (Bigham) for 3334 Port Washington Rd, we have many concerns. In particular, the site is too small, and the sewer, water, engineering, and ecological aspects of the application are either weak or non-existent. The application is incomplete, so it cannot be considered at this time. The associated Staff Report also omits numerous facts and extensive information.

Our community was denied any opportunity to comment on the original TUP 11 years ago; since then, you have provided no chance for public comment on the activities at this site. The Staff Report mentions that "one neighbor" is opposed to the rezoning. There are at least ten more residents opposed to this rezoning who are afraid to speak out in fear of retribution for their views. Five years went by in abeyance during the Land Use Bylaw Review, the result of which was to keep this property Rural. The Highways yard across the road was rezoned industrial recently; the increase in activity since this happened has changed the neighbourhood already.

The local environment is completely neglected in this application. It is immensely disappointing that the Staff Report fails to mention **New Business Item 17.3** on the November 29 agenda package. Do you know Islands Trust Conservancy has approved a conservation covenant on 3330 Port Washington Road? Interesting, it is against the bylaws to have a mechanic shop within 50 metres of a covenanted area.

Another concern is the site itself. The report makes scant mention that it is a mere 93 metres wide. That's less than the 100-metre sprint! Fourteen metres of this is unusable as it is the neighbor's residential driveway. The site is even smaller front to back. At one point the site plan measures 39 metres deep, but a portion of this is on a 60-degree slope. They want to have aggregate sales and storage, a truck wash, storage rental, truck parking, a mechanic shop, fuel storage, bathrooms, and more, in a 30-metre by 79-metre area. This is a bit bigger than the lumber yard parking lot next door – which is not very big! There is no mention of staff parking, buffer zones, noise mitigation, or groundwater protection, or the impact on the local neighbourhood. The public car stop amenity is unusable due to trucks parked in it every day. We asked you and Ministry of Transportation to address this; you have not responded.

The application's supporting documents are irrelevant and out of date, not to mention blurry and illegible. The applicant has used a Ryzuk engineering report from 2016 that was in their TUP application a decade ago. This report states there are no wells nearby but this is incorrect. There is a registered well within 30 metres of the site that services the domestic water supply for two homes. Perhaps Ryzuk Engineering would appreciate an opportunity to correct this error.

Furthermore, the proposed 2,000 square foot mechanic shop encroaches on a legal Right of Way, registered on title (another document that is missing from the application). This Right of Way is on a steep slope that floods every winter and it is the driveway leading to two residences. The construction of this shop will

undermine the slope. The report only refers to the eastern portion of the lot, not the proposed shop location. Why is there no engineering on this shop construction? Do you have authority to approve plans that encroach on legal easements?

Another problem with this application is that the septic and well information is for a single-family dwelling at the north end of the property, in or near the Garry Oak Woodland Ecosystem Development Permit Area, half-a-kilometer away up the hill from the site. It does not reflect the needs of an Industrial facility. There is no perc test either. Washing trucks should not be permitted under any circumstance. It is inconceivable that a commercial truck wash would be allowed on a tiny island with a vulnerable groundwater supply. What type of solvents are used in these operations? Why is there no engineering on this? Why are septic plans for a home being used to justify plans for an industrial operation? How many gallons of water are used in a truck wash daily?

Past uses at this site are no longer happening here because the local community was opposed to them. There are 17 new uses requested by the proponent that involve light industry, heavy industry, commercial sales, sanitation. This is not consistent with the OCP. These activities will have a deleterious effect on the neighbouring properties; the current activities already are. The application also lacks the required Disclosure of Contaminated Sites.

Staff recommend that you allow the current industrial use to proceed. What is the current industrial use? The site activities have far exceeded what was permitted in the original TUP. It is incredibly important that there are limits. The site should be cleaned up immediately, and function in such a way that it does not infringe on the neighbors' right to enjoy their property.

We are surprised that your staff have accepted this application in its current state. It lacks current professional reports, encroaches on the neighbor's legal access to their home, and contains incorrect information. The Big Digem operation is having adverse effects on the rural character and lifestyle of Port Washington Road. Undiagnosed urban sprawl is happening on Pender right now; Big Digem supports this degradation of our rural environment, and contributes to climate change through its emissions. If you cease bylaw enforcement on this site, will it set a precedent that industrial violations of the Land Use Bylaw will be disregarded on North Pender Island?

A final note: the proponents have an opportunity to contribute a lasting ecological gift. The 15-acre vacant Rural parcel in question hosts an incredibly rare ecosystem that is globally significant. There are several covenanted properties nearby. Will you please ask the landowner to join the community movement to protect Mount Elizabeth for our future by working with the Islands Trust Conservancy?

Thank you for your service to our community.

Sincerely,

The Landowners

[REDACTED], Pender Island, BC