

From: David Greer <[REDACTED]>
Sent: Monday, February 12, 2024 12:10 PM
To: SouthInfo <SouthInfo@islandstrust.bc.ca>
Cc: Peter Luckham <pluckham@islandstrust.bc.ca>
Subject: Fwd: LUB House Size Provisions

Dear Islands Trust staff,

I am herewith forwarding to you the letter that I and two other South Pender residents recently sent to our island's trustees with regard to house size and the island's land use bylaw. Please post our letter with others on the South Pender web page, and please ensure this letter is placed on the agenda for the next South Pender LTC meeting. If for any reason this is not possible, please let us know.

Kind regards,
David Greer

Sent from my iPhone

Begin forwarded message:

From: David Greer <[REDACTED]>
Date: February 10, 2024 at 1:05:33 PM CST
To: kevans@islandstrust.bc.ca, dfalck@islandstrust.bc.ca, telliott@islandstrust.bc.ca
Subject: LUB House Size Provisions

Dear Trustees,

In 1974 the provincial government, recognizing the importance of protecting the natural beauty and biodiversity of the southern Gulf Islands and their importance to the province as a whole, enacted the Islands Trust Act. The legislation was triggered by concern about the recent creation of hundreds of small lots in the Magic Lake subdivision and the potential impact of similar future development on the natural and rural character of the islands. During debate on the bill in the Legislative Assembly, members of the NDP, Conservative and Liberal parties all spoke in favour of the principle of the legislation and the urgent need to implement limits to development, while differing only on the details.

In the decades since, as species extirpations and extinctions have increased on the islands, so has the importance of limiting human impacts on island ecosystems. Because they have evolved in isolation, islands tend to be biodiversity hotspots and home to rare species, and South Pender Island is no exception. Less than three months ago, a species of freshwater shrimp, the Oregon fairy shrimp, so rare it has been seen only at a handful of locations across the country, was observed for the first time on the Penders at a natural pool on the south island.

Conservation of species is about much more than a fondness for nature. The health of ecosystems depends on the ongoing interactions of a myriad of native plant and animal species right down to

the microscopic level. Obviously the construction of a single house is unlikely to have an impact on the habitat of a rare species, but the larger the ecological footprint of a human community, the greater the threat to a vulnerable ecosystem or species.

Human-caused climate change is already having a significant impact on island biodiversity (red cedar forests slowly succumbing to increasing drought being one of the most visible examples). At the time the Islands Trust Act became law, climate change barely registered as a concern. As the momentum of change accelerates and the potential for future catastrophic impacts for humans and other species becomes better understood, the mitigation tools afforded by the Islands Trust Act appear increasingly pertinent and foresightful.

Another concern that was considered of little consequence in 1974 and has since evolved into a looming crisis is the quantity and quality of groundwater supplies on which South Pender residents depend. Finally, the increase in our island's population by more than 25% during the past eight years has not only increased the burden on natural resources such as groundwater supplies but has also contributed to the further erosion of the rural character of the island that the Islands Trust Act was designed to protect.

In short, the Islands Trust Act has become far more relevant for the conservation of biological communities (including important marine ecosystems such as eelgrass beds) and for the well-being of Pender residents than when it became law fifty years ago.

Some South Pender residents take environmental issues seriously but feel that it is not the place of government to direct property owners how, where and what to build. Certainly government should not be issuing dictates without just cause, and the role of government in acting in the interests of the community at large must be carefully balanced against the importance of respecting personal freedoms.

Most people are in the habit of considering the interests of their neighbours and the potential environmental impacts of the use of their land. It's only when some abuse their freedoms that it becomes appropriate for government to set rules that apply to all. There would be less need for prescriptive building codes if all property owners were prepared to be diligent in building a safe and durable home that also does not impinge on neighbours' right to privacy. For the same reason, local government needs to have the latitude to set limits on house sizes that take into account considerations such as energy use in construction and maintenance as well as impacts on neighbours' rights for full enjoyment of their own property.

The trustees elected to each island's Local Trust Committee are duty-bound to ensure their decisions are consistent with the objectives of the Islands Trust Act and of their island's Official Community Plan. Those who served as trustees on the previous LTC took pains to honour the intent of the South Pender OCP, to thoroughly canvass islanders' divergent points of view, and to clearly document and explain their reasons for amending the land use bylaw house size and setback provisions with reference to best practices and legal requirements.

Some residents who propose rescinding those amendments appear to do so simply because they object to government restrictions on the use of their land, no matter what the reason. Some have

even argued in public meetings that restriction on house size abridges their rights under the Canadian Charter of Rights and Freedoms, which is indisputably not the case as the Charter has nothing to do with land use regulation.

Other arguments against the previous trustees' amendments to the land use bylaw appear to us similarly specious even if strongly held beliefs. Rather than rebut them here, we simply urge our island neighbours to carefully evaluate the merits of each argument, whether pro or con, before deciding whether it makes sense to undo the work of the previous LTC.

The apparent growing polarization of the South Pender community over the issue of rights to land use is troublesome and seems an unfortunate echo of the political polarization of the U.S. in which, for a significant part of the population, the power to reverse existing law in the name of freedom appears to take precedence over the measured development of public policy that takes the broader public interest into account.

To put it simply, it's far easier to scrap a law than to carefully build it.

Polarization creates the unfortunate risk of complex elections becoming single-issue contests, with each new LTC dismantling the achievements of its predecessor. Do we really want that to be the future for our once close-knit South Pender community?

In our view, the land use bylaw amendments crafted by the previous LTC represent sound public policy based on a careful review of current best practices and a fair and comprehensive public process. We note also that the previous trustees, addressing the concerns of those in opposition to the proposed changes, made specific provision for grandfathering existing structures that might not be compliant with the proposed amendments as well as for applications for variance based on reasonable arguments.

We believe that South Pender's land use bylaw as it currently exists should be given an opportunity to function at least for the duration of the current LTC term (variances have already been applied for and approved) before being subjected to formal evaluation.

That being the case, we oppose any LTC decision to undo the previous LTC's amendments to the South Pender land use bylaw as they pertain to house size.

Sincerely,

David Greer, South Pender Trustee 2008-2011
Susan Taylor
Frank Ducote