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Sent: Friday, May 3, 2024 11:36 AM
To: SouthInfo <SouthInfo@islandstrust.bc.ca>; Dag Falck <dfalck@islandstrust.bc.ca>; Kristina Evans <kevans@islandstrust.bc.ca>; Tobi Elliott <telliott@islandstrust.bc.ca>
Subject: Land Use Bylaw amendment

Dear Trustees:

Land use regulation is a constantly evolving process because pressing concerns and scientific understanding change with time, and opinions vary widely about how to balance community interests against individual freedoms.

Perhaps the most significant change during the five-decade history of the Islands Trust Act has been a growing awareness of the long-term impact of human activity on the environment in which we live. Biodiversity conservation has become a larger priority in public policy because of the human contribution to species extinction, especially through destruction or diminution of essential habitat. Human-influenced climate change has inevitably come to the forefront in policy development because of its lasting impacts on both terrestrial and marine ecosystems as well as ocean tides and currents. Vital access to abundant and pure groundwater can be impeded both by drought worsening with climate change as well as by increasing demand from a growing population, which on South Pender Island in recent years has far exceeded the increase on any other island included in the Islands Trust.

The Islands Trust Act was triggered by concern among all political parties in BC about too-intensive development on the Gulf Islands, which even then were considered a national treasure because of their natural and relatively unspoiled beauty. The changing concerns described above suggest a greater need for consideration in planning of the human impacts on the biodiversity and landscapes that are the foundation of that natural beauty. On a related note, public awareness of the need for reconciliation with the original inhabitants of the islands represents a huge step forward from the “out of sight, out of mind” attitude that largely prevailed when the Islands Trust Act came into being, and an important component of reconciliation is increased respect for the natural world and native species, as powerfully illustrated by the 13 Moon Calendars at two locations on South Pender.

Taking into account these types of changes--especially biodiversity conservation, mitigation of climate change, and a significant increase in the island’s population--the review of South Pender’s land use bylaw by the previous trustees was both necessary and timely, resulting in amendments guided by extensive public consultation and consistent with the goals and objectives of South Pender’s Official Community Plan,

itself a recent document shaped by public input and the objectives of the Islands Trust Act.

No law ever receives complete public support, and most laws need fine-tuning with the passage of time. That's why successful democracies place so much emphasis on public debate of draft laws and bills to ensure they are reasonable, fair, and likely to withstand the test of time. South Pender's land use bylaw will undoubtedly need fine-tuning as well in due course, but I submit that now is not the time. The arguments I have heard for gutting the setback and house size provisions of the land use bylaw make little sense to me. The Canadian Charter of Rights and Freedoms applies to individual civil liberties, not to land use bylaws. Pre-existing structures that do not comply with current requirements are deemed to be legally conforming, not non-conforming. And an application for variance is available for properties with unusual shapes or for houses intended for multifamily or multiple generation use.

For all of these reasons, I support retaining Land Use Bylaw 114, as amended during the previous trustee term, in its current form.

Respectfully submitted,

David Greer

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South Pender Island