

Special Meeting Agenda – September 26, 2020

Trustee Wright and I want to commence a community conversation on how to more effectively manifest the vision, goals and policies within our South Pender Official Community Plan (OCP). As Trustees we have a duty to ensure that our bylaws are aligned with and supportive of our OCP. The South Pender OCP enshrines a number of goals which unfortunately are not adequately reflected or provided for in our existing bylaws.

Our OCP quite accurately describes the character of South Pender as one of the least populated and least developed island where “quiet, freedom from disturbance, and sense of privacy within what is a relatively undisturbed and visually attractive setting are key qualities valued by South Pender Islanders.”

At a fundamental level our OCP goals “are intended to act as focal points in protecting and maintain the rural island character and natural features so valued by South Pender Island residents, property owners and visitors. These goals include:

- To maintain the island’s rural character
- To protect the natural features and biological diversity of the island and its immediate surroundings
- To ensure land use, development, and associated servicing are compatible with the rural island character

Unfortunately, the regulatory tools available to local trust committees to meet the goals and objectives of their OCP’s are limited in scope and crude in nature. While there is need for Provincial delegation of additional powers (regulatory tools) to Local Trust Committees (LTC) to better enable LTC’s to meet the objectives of the Islands Trust Act, at this point in time we need to use our existing powers, as creatively as possible, to meet our OCP values and objectives.

Local Trustee Committees primarily undertake governance in the ambit of land use and planning. In that context, how do we create Land Use Bylaw (LUB) regulations to most effectively manifest the values and goals in our OCP? Secondly, what guidance does our OCP provide regarding the meaning of rural character?

Our OCP describes South Pender rural character as the effect created by features and qualities, including by not necessarily limited to: low density and relatively unstructured development; comparatively undisturbed, natural and varied landscapes; freedom from disturbance and privacy from neighbours.

If we are intent on preserving our rural character, particularly in light of increased ‘external’ demand to acquire and develop our rural landscape, what are the specific areas of regulation that we should be reviewing? From my perspective, we need to consider the following:

- house size
- building setbacks and siting
- creation of development permit areas to protect the natural environment, its eco-systems and biological diversity

In the absence of more expansive and flexible powers within the land use bylaw, the rationale for setting maximum house sizes, reviewing setback provisions and possibly establishing development

permit areas becomes all the more critical as these are the few presently available tools to preserve and protect the natural environment and rural character of our island.

For most of us empowering our regulations to most closely reflect our OCP will be welcome news as it will preserve and protect our rural character while still ensuring we have comfortable, spacious, livable homes tailored to our needs. These proposed changes may be opposed by others who want the outright ability to build large houses even if such buildings are out of character with the existing stock of housing on our island and even if they negatively impact the natural environment and surrounding properties.

At the same time there may be circumstance or unique characteristics on a given property where a larger home can be thoughtfully accommodated that is respectful to the natural environment, surrounding properties and reflects the goals of our OCP.

One year ago Trustee Wright and I completed a paper on Building Design and Siting Guidelines which we presented to staff and to our APC for consideration. Given the APC priorities and workload at the time, the Guidelines were not considered by the APC. I would like to put the Guidelines out to the community for discussion along with a draft paper on house sizes. The Building Design and Siting Guidelines were drafted with the values and objectives of our OCP as the guiding compass. I envision such Guidelines – subject to community discussion – could be added as a schedule to our OCP and serve as a guide to future development on the island.

Property values:

Some people will argue these changes will negatively impact property values. I don't think that it actually the case.

In urban settings, where there is no expectation or objective of preserving rural character, there is a positive correlation between density and property values, particularly in multi-family, commercial or office zoning. Generally speaking, the higher density achievable, or a more intensive permitted use on a site, the higher the property value. The increase in property value is based on the anticipated greater revenue accruing from the density – often through a rezoning process – that permits more residential square foot area or more leasable office/commercial space on the property.

In places where rural character, separation between neighbours, freedom from disturbance and a visually attractive setting are deeply held values, the unchecked right to build large homes at a scale and massing that can negatively impact surrounding properties, would arguably have a negative impact on property values. In this situation there would be a negative correlation between more density / bigger homes and property values. Arguably, a large home that is out of character with the surrounding neighbourhood, and particularly if it is poorly sited and visually intrusive, would negatively impact the property values of surrounding properties.