

**From:** gordie duncan <[REDACTED]>  
**Sent:** March 23, 2023 6:58 PM  
**To:** Kristina Evans; Tobi Elliott; Dag Falck  
**Subject:** Project Suggestions

Trustees Evans, Falck and Elliott

I would like to request that you include in your New Projects the review of the recently adopted Bylaw 122 as a Major Project.

The following points are reasons why I believe it is critical for you to reconsider many of the additions included in Bylaw 122.

With the changes made in Bylaw 122 our LUB 114 becomes the most restrictive LUB in the entire Trust Area with respect to Lot and Dwelling development.

Points to consider for a Bylaw 122 Review are:

- South Pender is the least populated Island in the Trust Area – Yet has the most stringent Lot Development parameters, far exceeding any Bylaws on other Islands
- Of 272 developed lots, 215(80%) already have dwellings or structures
- Dwelling sizes are the most restrictive in Trust Area
- Lot Coverages are the most restrictive in Trust Area
- Lot Setbacks are the most restrictive in Trust Area
- A significant number of homes have been rendered Legal Non-Conforming, likely greater than 10% of the existing homes (based on ft2 alone), there are also homes that may have attached enclosed garages (# unknown), which could also cause the new max. ft2 to be exceeded
- Many new homes or existing home upgrades will now require a Development Variance Permit because of the restrictive dwelling size limitations for various Lot Categories - unprecedented
- There where many changes made to Dwelling Sizes – with little community input or notice
- Bylaw 122 was not referred to APC, indeed - no APC appointed for most, if not all, of the final year when the most significant changes were made (Note: Two of the APC members before dissolution where Architects)
- Little evidentiary support given as to how “Rural Nature” would be significantly impacted, as repeatedly implied, as justification for the adoption of 122.
- Most Southern Gulf Islands place as much significance on “Rural Nature/Character” in their OCPs as South Pender, yet do not have anything near these types building restrictions
- Most Southern Gulf Islands state “Lot Coverage – 25%” regardless of Lot Size, including North Pender.
- Most Southern Gulf Islands have Side Setbacks of 10 feet
- No evidence that our OCP requires the stringent lot development standards included in Bylaw 122

- No acknowledgement that home technology including those for larger ones are advancing toward Net Zero energy consumption due to stricter building codes and technological advances. (Canada Net Zero by 2030)
- Dependent on the Lot Profile, up to 60% of a one(1) acre lot may not be available on which to build a dwelling, due to Setback limitations (See attachment)
- Anomalies have been created were a 1500 ft<sup>2</sup> house must be built at a 20 foot setback yet a 1500 ft<sup>2</sup> accessory building could be built at the 10 foot setback
- No acknowledgement is given to a second storey creating a larger home yet taking less Lot Coverage (See Attachment)
- No logic given on how Dwelling Sizes for each Lot Category were determined and certainly no examples of other jurisdictions that have similar restrictions.
- Bylaw 122 does not recognize that most other jurisdictions are looking at ways to create more affordable housing and housing densities, something that larger homes can do, by allowing for: Seniors aging at home, Shared Homes, Multigenerational Homes as a few examples
- It is generally accepted by the community that our island has developed in a very acceptable manner to date, without these onerous Bylaw 122 restrictions
- Included is an attachment providing more details regarding components of Bylaw 122

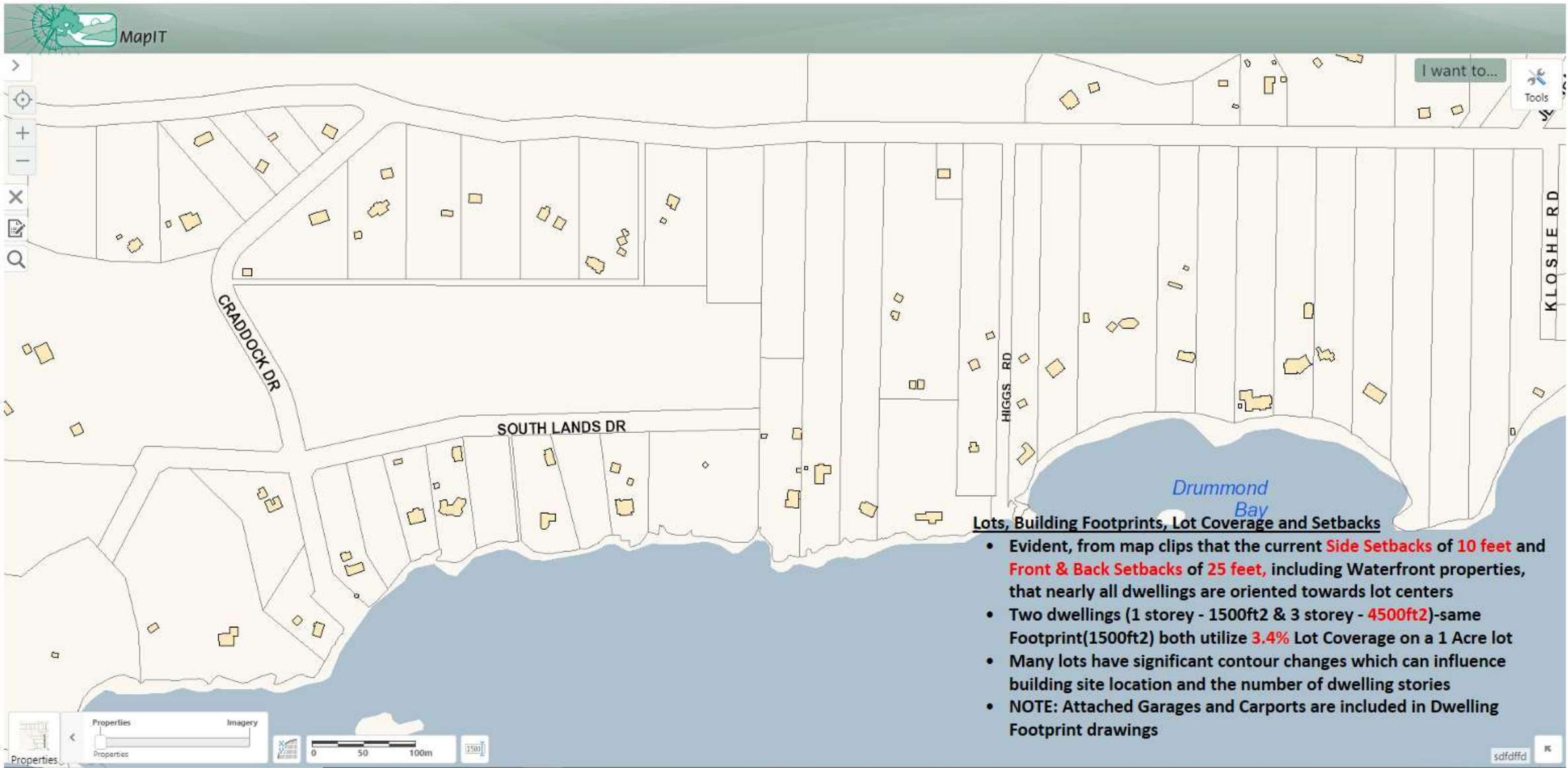
There are some of the concerns which, in my view, support the reopening of Bylaw 122 for review and modification, allowing for a full and comprehensive community consultation.

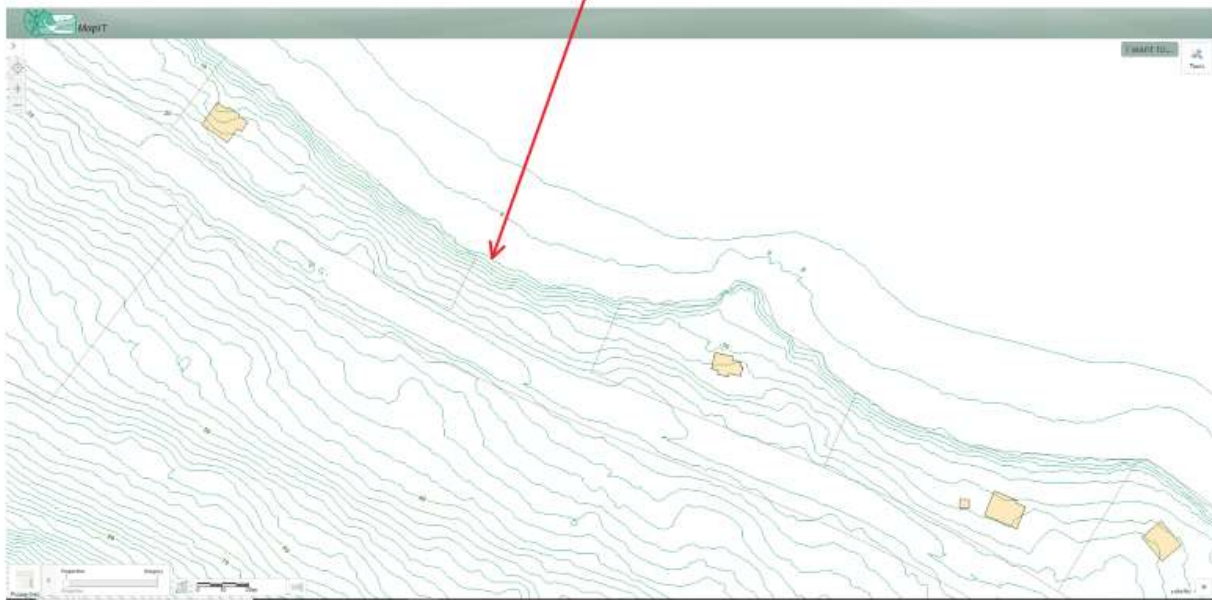
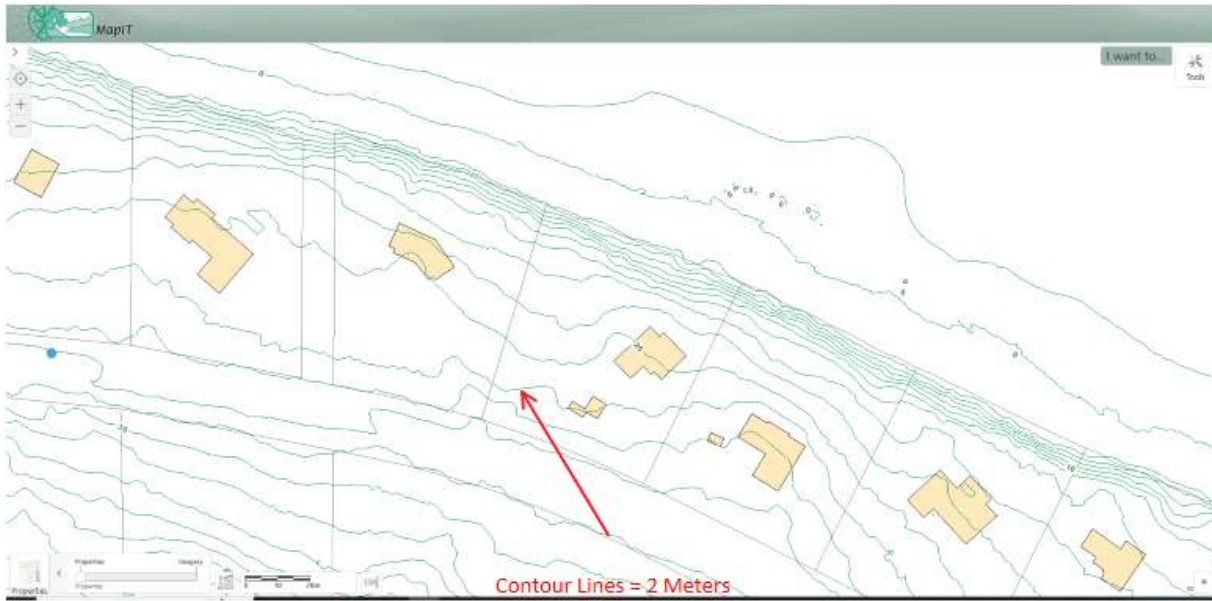
Other Projects that I would like to see abandoned are “Shoreline Review” and “Proposed Bylaw 126”. These at the very least should be handled at the Trust Council level, to gain common goals amongst all the Islands of the Trust Area.

Thank you in advance.

Gordie Duncan

South Pender

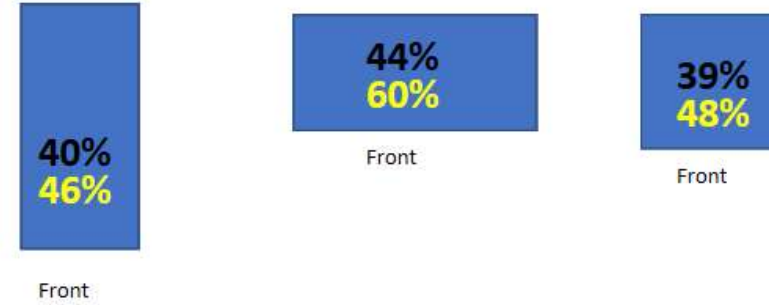




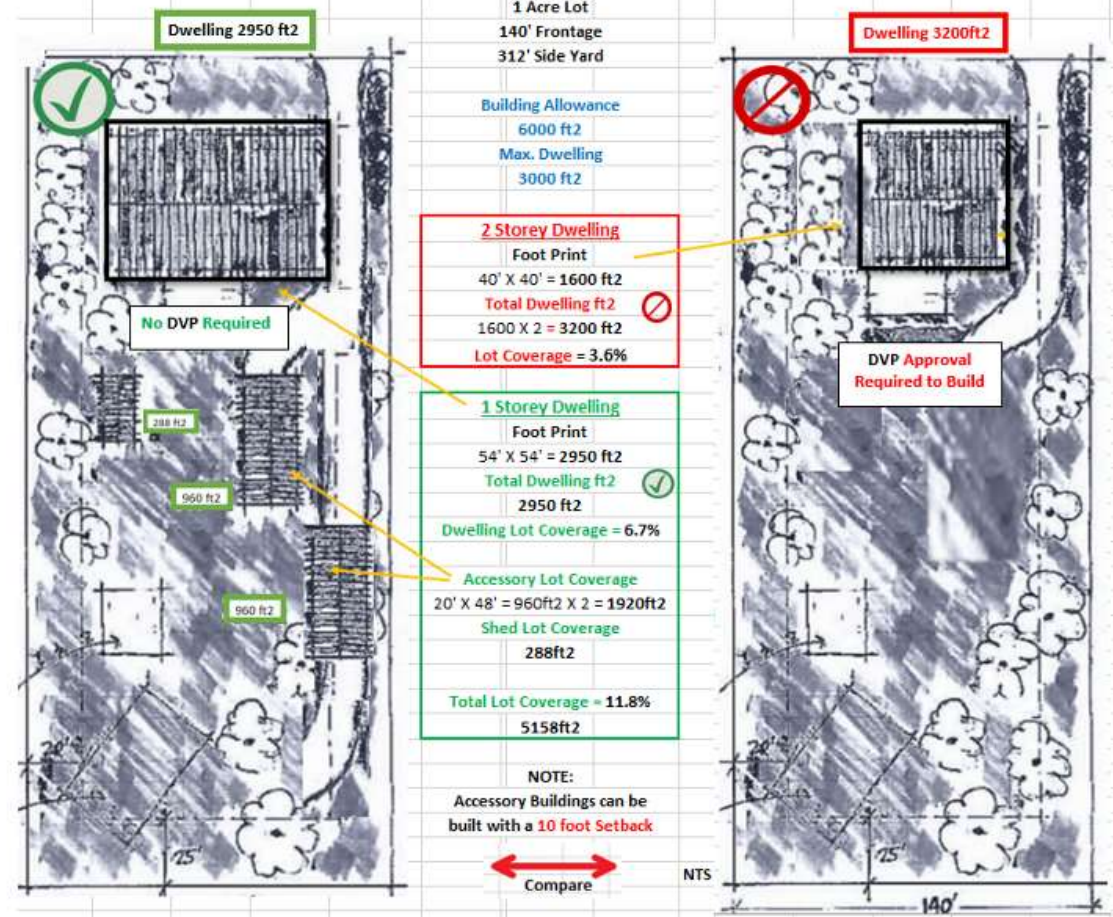
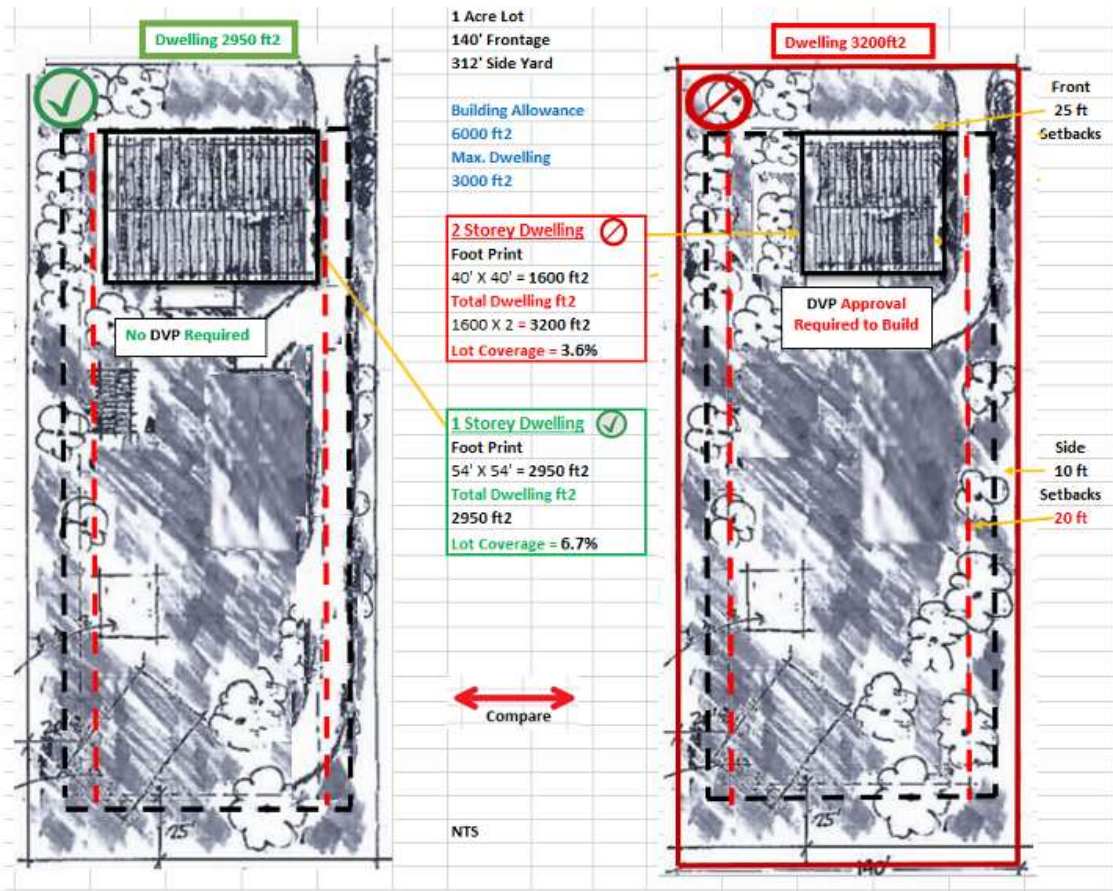
### Setbacks

- Increased Setbacks and Topology have a significant impact on Lot Buildable Space, depending on the Lot Profile
- Dwelling Densities By Area - 2021 Census
  - South Pender - **10.4 Acres/Dwelling**
  - If all properties (271) developed on South Pender - **8.3 Acres/Dwelling**
  - North Pender - 7.3 Acres/Dwelling
  - Salt Spring - 7.6 Acres/Dwelling
  - Langford - 0.5 Acres/Dwelling
  - Victoria - 0.09 Acres/Dwelling

### Percentage of Lot Lost to Setbacks for Various 1 Acre Profiles - For Dwellings



- %'s in Black - Setbacks = 25ft Front/Back, 20ft Sides
- %'s in Yellow - Setbacks = 50ft Front, 25ft Rear, 20ft Sides



**Maximum Floor Area Per Lot (Changed)**

Lot Area	Total Floor Area of All Buildings May Not Exceed:	The Floor Area of a Dwelling May Not Exceed:	The Floor Area of a Dwelling May Not Exceed:
<1 Acres	5000ft <sup>2</sup>	2750ft <sup>2</sup>	3800 ft <sup>2</sup>
1<>2 Acres	6000ft <sup>2</sup>	3000 ft <sup>2</sup>	4500 ft <sup>2</sup>
2<>4 Acres	8000ft <sup>2</sup>	3500 ft <sup>2</sup>	5600 ft <sup>2</sup>
4<>10 Acres	9000ft <sup>2</sup>	3750 ft <sup>2</sup>	5845 ft <sup>2</sup>
> 10 Acres	15000ft <sup>2</sup>	4000 ft <sup>2</sup>	6030 ft <sup>2</sup>

Final Changes as Adopted

**Lot Area 1 to 4 Acres includes 84% of all Properties**

Lot Coverage	Max Dwelling Floor Area	% of Lot Coverage For Max Dwelling Size	Max Floor Area for All Buildings	% of Lot Coverage For Total of All Buildings
1	3000	6.9%	6000	13.8%
2	3000	3.4%	6000	6.9%
3	3500	2.7%	8000	6.1%
4	3500	2.0%	8000	4.6%

