

January 17, 2024

to Trustees Evans and Falck:

Re: reconsideration of Bylaw 114 – limiting residential floor area.

I regret that I will be away during the times of your public meetings and therefore am submitting my views in writing.

During the consideration of placing maximum limits on residential floor area, several aspects were explored throughout the previous term. First and foremost was the impact of global warming due to climate change brought about by the increase of Green House Gases (GHG), the primary one being carbon and its derivatives, carbon dioxide and carbolic acid. There is ample scientific evidence that illustrates that larger structures, in their construction and use, including furnishing, produce more carbon and GHG to be released into the atmosphere and have a greater impact upon the environment and natural resources. I'm not sure of the extent the LTC wants residents to provide that evidence or whether they intend, as I would expect, to do their own research.

Secondly, there is Council's Declaration on the Climate Emergency which was intended to generate affirmative action by taking such steps as reducing our output of GHG, and reducing our "footprint" on our finite land base. The expectation was to have policies and regulations incorporated in OCPs and Land Use Bylaws throughout the Trust Area to advance this goal. While this did raise the fundamental question about whether these limitations unduly impact private property, they were developed to have as little impact as possible.

Thirdly, trustees are expected to uphold the policies of the Policy Statement, and in fact, no policy or regulation put forward by an LTC can be contrary to, or at variance with, the Policy Statement or Council Declarations. Comparisons to other jurisdictions do not have relevance because no other jurisdiction or authority is governed by similar legislation.

Lastly, aside from environmental concerns, there are social concerns that Trust Council and our LTC have underlined as a priority concern. In a time of unaffordable housing and economic hardships being felt by many in our communities, the higher assessments associated with larger, more expensive homes, influence all properties. Higher taxes due to higher assessments place a greater hardship on those who are having difficulty with the rising cost of living and making it even more improbable for younger families to purchase a home. Older homes, more common years ago, provided rental opportunities whereas newer, more costly homes have reduced that market and made renting far more costly.

Within the Guiding Principles of the Policy Statement, it states:

- "When making decisions and exercising judgment, Trust Council will place priority on preserving and protecting the integrity of the environment and amenities in the Trust Area."
- "Trust Council believes that to achieve the Islands Trust object, the rate and scale of growth and development in the Trust Area must be carefully managed and may require limitation."

The goal of the Policy Statement is to recognize:

- "As humans occupy and modify the Trust Area, ecosystems are subject to various pressures. Protection of these ecosystems is essential if they are to remain healthy and productive for the benefit of future generations."

- “Planning must account for the cumulative effects of existing and proposed development to avoid detrimental effects on watersheds, groundwater supplies and Trust Area species and habitats.”
- “The principle of sustainability must be upheld.”
- “Protective measures are varied and can include actions ranging from preservation of natural areas in the form of parks and ecological reserves, to increasing public awareness and understanding of the need for sustainable use and stewardship by all landowners.”

Most people in our community agree that protection of the environment and rural character of South Pender is important, but disagree on how to do it. The guidance for making decisions is in the Goals of the South Pender OCP which state:

2.2.1 To maintain the island’s rural character so community members and visitors may continue to enjoy a sense of tranquility, privacy, freedom from disturbance, and relative self-sufficiency within a visually attractive environment;

2.2.4 To ensure land use, development, and associated servicing are compatible with the rural island character and that their growth is gradual and sustainable;

2.4.3 Regulatory provisions pertaining to numbers of buildings, maximum floor area, lot site coverage, building and structure setbacks, heights, screening, and parking in land use regulatory bylaws and permits are to be developed with regard to land use compatibility, the retention of the rural island character, the protection of natural views, and the maintenance of residential privacy.

2.4.4 In its decision-making, the Local Trust Committee will ensure that land use planning and development promote reductions in greenhouse gas emissions, support efforts to adapt to climate change impacts, and recognize the role of existing rural and natural areas in the absorption of carbon.

If trustees are intent on raising the maximum floor area for residences, they must provide the scientific data and rationale for doing so in a manner that reduces GHG and carbon footprints. Furthermore, they must show how they can achieve the policies in the Policy Statement and our OCP by those increases. Ignoring these documents, or basing their decision for political reasons, is not acceptable nor do I believe is supportable in the Trust Act. If the LTC can not meet these requirements, I ask the LTC to reconsider this project, leave Bylaw 114 as is, and focus their attention on other matters that would serve the interests of all residents and property owners such as those put forward at earlier public meetings and wisely suggested by Chair Elliot.

Submitted with respect,

Steve Wright  
