

## Notes to South Pender LTC

Attn: Trustee Falck,

We have recently viewed the table that was developed from the discussions on January 27th regarding setbacks. We would like the following to be added/considered.

Regarding the current setback of 50' from the high water mark. We believe this is an appropriate setback for the following reasons.

- In the area where we live [REDACTED] the majority of the current built homes are set back at 50' or more. The homes were sited and built at a time when people discussed as neighbours how each other's build would affect each other's privacy and views and were placed appropriately. If the properties are developed or redeveloped at the old setback of 25', they would undermine those previous discussions and encroach in the current view areas (majority of the current homes built).
- The current 50' setback will protect the fragile "cliffside" ecosystem from being built on.
- Sea level rise and storm surges are a real and current threat. The homes should be set back for safety reasons and to reduce damage to the structure.
- The 50' setback will also prevent the need for armoring of the beach cliffs. Foreshore erosion is a current concern and armoring has occurred already. Armoring affects the local coastal habitat negatively and can accelerate erosion on neighbouring properties and landscapes.
- we would like to suggest the development of Designated Protected Areas as a useful tool in protecting cliffside trees and sensitive ecosystems. These DPAs seem to be common on other Gulf islands including North Pender and do exist on a very small scale on South Pender but could be expanded as part of the project. This would address Trustee Falck's concern that the 50' setback from the high water mark would increase more tree cutting or tunnels for views.

We also believe that the current side setbacks of 20' are a good idea for the following reasons.

- They allow for a natural green privacy screen (bushes/trees) to be used between the dwellings. This green space visually reflects the characteristics of a rural countryside. It also reduces the need for "privacy fencing" which is characteristic of an urban environment.
- We don't believe that the additional 20' (10' per side) is too restrictive. With thoughtful development these setbacks can be met in most instances, eg. Wells, Septic systems and driveways can be within the setback. It's only for the dwelling that the 20' setback exists.

We would also like to propose that outbuildings that are within those side setbacks have restrictions that do not allow for windows facing the interior property line (this restriction is quite common in city setbacks rules). This maintains privacy between property owners.

The setbacks should also include wording so that the term or definition of "dwelling" include structures such as a cantilevered deck. (So that the spirit of the setback rules can't be undermined.)

We also wanted to address the notion that 80% of the lots have already been developed and so we don't need to worry because "how can developing the remaining 20% really change things or be of concern?". We would like to point out that the current 80% of developed lots can be redeveloped. This is a real and current concern in many parts of the Country. Locally, some of the 80% developed lots have already been redeveloped. Some of the properties had small summer camps or cabins that have been redeveloped into much larger residences. Some of these buildings that were one storey are now two stories which can change the level of privacy previously had by the neighbouring property. The current side setbacks of 20' will also provide a much needed buffer for when properties are redeveloped for these larger dwellings.

We also wanted to acknowledge the insurance document that was included in the email. Since the change of setbacks does not affect the zoning of the property it appears to us to be irrelevant to this process.

We hope for further opportunities for discussion on these points.

Respectfully submitted,

Kathleen and David Durant

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