

Dear Trustees and IT Staff,

Please also forward this email to the Chair(s) who are involved in this project if they are not included in the IT email address used for this email.

With regard to the possible changes to the revised Bylaw 114, following are our views:

**1. Regarding the Official Community Plan (OCP):**

1. *OCP 1.1: The OCP embodies a consensus of South Pender Islanders' views about how best to nurture a sustainable economy, environment, and community in a manner that preserves and protects what we most value for the generations to follow.*

If this section can be applied to changes made to the LUB, there was not a consensus of opinion on the major house size and setback limitations imposed by Trustees Wright and Thorne. The opinions of the community, as evidenced by the attendees of the last community information meeting of their term, and the results of the election, clearly demonstrate a lack of community consensus about whether the OCP required the changes imposed.

2. *OCP 2.2: The OCP's goals are:*

*2.2.7: To support the provincial target of reducing greenhouse gas emissions by 33% by 2020 from 2007 levels. Emission reductions within the local trust area may result from individual and community initiatives, the actions of other levels of government, technological change, and changes to land use policies and regulations.*

Bylaw 114 (2016) substantially lowered the allowable house sizes, which prior to that time could have been built to the total floor area allowable on the property of 10 percent of lot size. Trustees Wright and Thorne further lowered those allowable house sizes from Bylaw 114 (2016), in some cases by nearly 38 percent. There was no clear reasoning for such a high reduction of allowable house size to support greenhouse gas reductions. Since then, there have been some data presented, such as about concrete having a major impact on greenhouse gas emissions, both at the manufacturing level and the building use level, but the research cited (one such study done by Dr. Soshana Saxe of U of T and quoted by a property owner on South Pender) was not relevant to concrete production in BC, or subsequent energy usage here, because it involved concrete manufacture and subsequent use when coal and natural gas were the energy sources. In BC, electricity is produced primarily using moving water, not coal or natural gas, so that research is not applicable here, especially on South Pender where neither coal nor natural gas is used in cement production or subsequent heating of built homes.

We are all aware that smaller homes generally use less energy, and most of us do not build to the maximum allowable size, but some people prefer larger homes and should not need their neighbour's approval to build one provided that they meet reasonable bylaws and the BC Building Code which embodies laws of "other levels of government" and "technological change". Overall, with only 30% of the land on South Pender dedicated to private use, and with a small population base restricted by allowable lot size, the potential for major reductions in greenhouse gas by further house size restrictions is minimal. Anyone who has flown over South Pender can see the major tree cover here, even on private properties, and for armchair travellers, MAPIT, provided through the IT website, clearly shows the major percentage of fully treed areas on this island.

**2. Requirements for Development Variance Permits:**

It has been stated by some people in meetings that neighbours should be consulted whenever a new build is contemplated. We find that overreaching and a clear example of NIMBYism, as though the neighbour who has built first should have full reign to build whatever and wherever they choose, but the neighbour who builds later must comply with the neighbours' idea of what is good for the new builder. We think this idea is preposterous. A neighbour's opinions are arbitrary and transitory considering that neighbours can come and go, either through rentals or home sales. At present, development variance permits also require that neighbours be consulted, and especially since the bylaw revision in 2022, that is happening more often for new builds. We believe that more reasonable house sizes should be allowed before any variance is required.

**3. House sizes:**

First off, we think that footprint of the home and other buildings on the property should take greater significance in floor area. Most of the present homes and many of the accessory buildings on South Pender have two levels, which is much less disturbing to the surrounding grounds. Some of the homes also have basements, which further reduce square footage of footprint considering that dwellings and accessory buildings are all limited by height restrictions (which we believe should revert to previous Bylaw 114 levels). Bowen Island is an example of an island in the Islands Trust area that has footprint limitations. Allowable height will always be the final determiner of house size when footprint is used.

While some might argue that one-story homes with larger roofs can collect more rainwater, our own metal roof on our 854-square foot footprint easily fills a minimum of 4500 gallons (over 17000 litres) of rainwater, which can be used for all watering and other outdoor needs. It would be a good idea to encourage the use of metal or aluminum roofs on new builds or roof replacements for efficient rainwater collection.

While we would prefer that house sizes revert to the prior Bylaw 114 sizes with footprint taking more significance, we at least want to see 500 square feet added to current Bylaw 114 numbers before a DVP is required, to result in the following maximum house sizes, although the last two categories should probably be increased a further 250 square feet:

<u>Lot Area</u>	<u>The total floor area of all buildings may not exceed:</u>	<u>The floor area of a dwelling may not exceed:</u>
<u>Less than 0.4 ha (1 acre)</u>	<u>465 m<sup>2</sup> (5000 ft<sup>2</sup>)</u>	<u>914 m<sup>2</sup> (3000 ft<sup>2</sup>)</u>
<u>0.4 ha to &lt; 0.8 ha (1 to 2 acres)</u>	<u>557 m<sup>2</sup> (6000 ft<sup>2</sup>)</u>	<u>1067 m<sup>2</sup> (3500 ft<sup>2</sup>)</u>
<u>0.8 ha to &lt; 1.6 ha (2-4 acres)</u>	<u>743 m<sup>2</sup> (8000 ft<sup>2</sup>)</u>	<u>1219 m<sup>2</sup> (4000 ft<sup>2</sup>)</u>
<u>1.6 ha to &lt; 4 ha (4-10 acres)</u>	<u>836 m<sup>2</sup> (9000 ft<sup>2</sup>)</u>	<u>1295 m<sup>2</sup> (4250 ft<sup>2</sup>)</u>
<u>4.0 ha (10 acres) or greater</u>	<u>1394 m<sup>2</sup> (15000 ft<sup>2</sup>)</u>	<u>1372 m<sup>2</sup> (4500 ft<sup>2</sup>)</u>

**4. Setbacks:**

Interior setbacks should revert to 10 feet for RR1 and RR2 categories. Of the major Southern Gulf Islands (Saltspring, North Pender, South Pender, Mayne, Saturna, and Galiano), South Pender, with the passage of the revised Bylaw 114, is the only island to have 20-foot interior setbacks for

dwellings for properties that resemble our RR1 and RR2 categories. Galiano has 20-foot interior setbacks for their RR1 and RR2 properties, but those categories differ greatly in required lot size for subdivision and in other criteria. Their Village Residential categories most resembles South Pender's RR 1 and RR2 categories, and interior setbacks there are 10 feet for properties of the same category.

While some people have mentioned that wells and septic systems can be located in 20-foot interior setbacks, that demonstrates a misunderstanding of distances required by CRD between wells and septic systems not only on one property but also on the neighbouring properties. Also, well drillers only want to drill in easily accessible locations and septic systems can only be located in CRD-approved areas based on percolation tests. This is not something that owners can decide by themselves.

There has been mention by some of greater noise levels between buildings built 10 feet versus 20 feet from the property line, but the actual noise difference is insignificant, and other writers to the trustees have mentioned these minor differences. Privacy has also been cited as a major concern between 10 versus 20 feet but again, the difference is insignificant. If one stands at their fence line and imagines that difference (if they cannot readily view a home or other building built 10 feet and 20 feet from the property line), the minor difference will be apparent. Nobody wants a building built even 30 feet from the property line of their property, but the adjacent property is not my property and I should be prepared to accept that a neighbour might build something I do not completely like. It seems hypocritical that some of the people complaining about the possibility of returning to the previous interior setbacks have dwellings, let alone accessory buildings which are not generally occupied for long periods, that are less than 20 feet from the interior property line, some at the 10-foot level or even closer (source: MAPIT). Owners of properties can and do take mitigating measures to reduce the impact of a close building, or even a close outdoor seating area, without having to resort to more restrictive bylaws.

## **5. Two-tier Property Values**

Limitations imposed by the former trustees have created two or more-tier properties – almost haves and have nots – based on what is allowed on a property. This idea has been mentioned in at least one letter to the trustees from a prominent community member and has been spoken by others who are in favour of the revised bylaw, obviously in an effort to appease and silence the opposition by stating that those who have larger homes or smaller setbacks allowed under the previous bylaw 114 have an advantage over new builds which are subject to the revised bylaw 114. This is a blatant misuse of human greed to earn political compliance and should not be tolerated. Unfortunately, and unethically, it is happening, to the detriment of anyone who has not already built outside of the new bylaw. There is something very sleazy about this tactic, at the very least.

## **6. Information Gathering for Revised Bylaw 114**

It is important to note that a very large percentage of the properties on South Pender are developed, and many of those properties have larger homes and lesser setbacks than those now allowed. It is also important to note that when calculating average house sizes when creating the revised bylaw 114, the former trustees used information available on BC Assessment, which shows only the developed areas in houses and does not include unfinished basements. As we all surely know, many people finished their basements, often full-sized basements, and did not inform BC Assessment, so although their house size may have doubled, this will not be apparent on the BC Assessment website. That makes the information gathered by former trustees invalid.

## 7. Our Request to Trustees

Considering all of the above points, we wish to revert to the previous bylaw 114 interior setbacks and house sizes. If a community consensus shows that the previous bylaw 114 house sizes are not acceptable, please use the 500-750 square foot additions to the present bylaw, mentioned in 3) above. Please note that in considering community consensus, all former letters and other correspondence, as well as the informal survey and the results of the last election, should be considered.

Also, it is very unfortunate that a Friday has been chosen as the day for the community information meeting regarding house sizes and setbacks when the other community information meeting for more minor issues was held on a Saturday when property owners from off-island could more easily attend. While virtual viewing is possible, there is no opportunity for those viewing virtually to comment and have their ideas recorded. It is likely that a combination of the Friday meeting date and the daily 4-hour closures at the DIP will result in low attendance at the April 26<sup>th</sup> meeting on North Pender. **Please ensure that sufficient time is allowed for property owners to comment after the April 26<sup>th</sup> meeting before any decisions are made.**

Thank you all for your work in creating a bylaw that will be more acceptable to a majority of people.

Respectfully,

Heather and Wayne Haryu  
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