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The South Pender Island Local Trust Committee

In Reference to Property Setback Restrictions

The issue of residential setbacks from the natural boundary of the sea and side lot lines has generated a lot of concern by many members of our community. It is clear that there are only two paths of resolution for the Local trust Committee to consider.

- One position is the acceptance of a populist view where the number of letters, phone calls and speeches prevail regardless of the efficacy of that position or what it may be of benefit to the community. That's the easy way.
- A second position is stiffer. It's the use of logic and available technical resources to determine what substantial effectiveness does the increased restriction have on remaining undeveloped lots compared to its negative impact on existing properties. That raises a number of concerns not considered by the populist view.

Clearly, I am in favour of the latter option for the following reasons:

1. Populism is not an effective or fair planning tool. In truth, it has prevailed once for each side of the argument. The only difference is that it has been some time since the earlier view prevailed objecting to more restrictive setbacks and there is now reluctance among that proponent majority to refight a battle that was already won.
2. However, as mentioned, I am not in favour of populist decision making in any case. Populism caters to largely unsubstantiated personal opinions rather than allowing careful analysis of: the issues at hand, the effectiveness of the options available and the impact that they have on the community. More specifically, populism ignores or gives little regard to important planning considerations that would go far beyond just an ethereal philosophical view, in this case increasing restrictions are a means to "preserve and protect".
3. In the case of setbacks, there are many more important considerations that have a direct impact on community residents. For instance, more restrictive setbacks result in many properties becoming "non-conforming". This is universally accepted as a negative characteristic that should not be imposed unless justified by a thorough technical and professional analysis of how this is the most beneficial option for the community. For example, how many properties are affected negatively vs. any identified environmental protective gains on undeveloped lots that will accrue from pursuing the increased restrictions.
4. Professionally, making many properties non-conforming by imposing new restrictions is recognized as not being a 'best practice' of planning. The purpose of non-conformance is to apply an individual property status until the property will be brought into conformity. There is no such planning intent here.
5. There is also a moral factor that should be considered. Is it fair to negatively affect many residents in this way when, in good faith, they constructed their home according to existing setbacks at the time?

I understand that, as trustees, the Local Trust Committee must make land use decision based on what they think is best for the community but that should mean applying all the planning tools available to them. Of course, this will conflict with the very personal philosophical interpretations of the Trust's mandate by some members of the community but that's the type of hard decision that an elected trustee has been entrusted to make.

So, it's now up to you trustees but I encourage you to think about this and do the right thing for our community.

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Dennis Perch
South Pender Island