April 24, 2024 (Revised September 11, 2024, with our deepest apologies to those who may have been offended before this revision.)

Dear Trustees, IT Staff, and APC members:

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

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

   a) *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 the LUB, there was not a consensus of opinion on the major house size and setback limitations imposed by Trustees Wright and Thorn. 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.

   b) *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 Thorn further lowered those allowable house sizes from Bylaw 114 (2016), in some cases by nearly 38 percent. There was no clear reasoning at that time for such a high reduction of allowable house size to support greenhouse gas reductions.

   Since then, there has been some very good and interesting environmental data presented by a property owner, such as about concrete having a major impact on greenhouse gas emissions, both at the manufacturing level and the building use level. While that research was justifiably damning of a product that is very carbon intensive, some of the data is not accurate for power usage on South Pender once a residence is built, since the research cited involved concrete manufacture and subsequent use when coal and natural gas were the energy sources. In BC, electricity is primarily produced using moving water, and while natural gas is used in mainland BC to heat and cool homes, neither natural gas nor coal are used on Pender Island. And while it may take some time to materialize, the concrete industry itself is moving to reduce its environmental impact with innovations such as carbon capture in the concrete itself, and concrete companies in BC are receiving funding from the provincial government to move toward carbon zero. As mentioned by others, concrete used in construction on South Pender is miniscule in relation to world usage, and there is really nothing we can do about the huge environmental impact of concrete produced and used in construction in places such as China, where dirty thermal coal is used extensively in manufacturing of concrete and production of electricity.

   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 here prefer larger homes and should be able 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"* noted in OCP 2.2. 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' ideas of what is good for the new builder. Neighbours' opinions are subjective and transitory considering that neighbours can come and go, either through rentals or home sales. At present, development variance permits 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 915-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.

Following are our suggestions for floor area, which for the first three categories is an increase of 500 square feet with more of an increase in the last two categories. These increases will make most homes who are larger than the new bylaw sizes fit into the regulations, regardless of whether those houses were deemed to be "legal" in the revised bylaw 114 wording.

Lot Area	The total floor area of all buildings may not exceed: **(no change)**	The floor area of a dwelling may not exceed:
Less than 0.4 ha (1 acre)	465 m^2 (5000 ft^2)	279 m^2 (3000 ft^2)
0.4 ha to < 0.8 ha (1 to 2 acres)	557 m^2 (6000 ft^2)	325 m^2 (3500 ft^2)
0.8 ha to < 1.6 ha (2-4 acres)	743 m^2 (8000 ft^2)	372 m^2 (4000 ft^2)
1.6 ha to < 4 ha (4-10 acres)	836 m^2 (9000 ft^2)	418 m^2 (4500 ft^2)
4.0 ha (10 acres) or greater	1394 m^2 (15000 ft^2)	465 m^2 (5000 ft^2)

4) Setbacks:

Interior setbacks should revert to 10 feet for RR1 and RR2 categories. Of the major Southern Gulf Islands (Salt Spring, 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 dwelling on 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 resemble 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 property 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 their property line, 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 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 sad outcome for those who own properties which are not fully developed who must put their homes on the market at the same time as another that has the advantage of being built to a larger size or to setbacks in force prior to revised bylaw 114.

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 or other spaces including attached garages. 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 to see changes to house sizes, as noted in 3) above. Please note that in considering community consensus for possible changes to the revised bylaw 114, we request that all letters to former trustees, minutes of meetings, as well as the informal survey and the results of the last election, should be considered. **This decision is too important to be made by considering only written submissions received during the present project**.

Also, it is very unfortunate that Fridays are being chosen for community information meetings regarding this project. It is difficult for property owners from off-island to attend these important meetings during weekdays. While virtual viewing is possible, there is no opportunity for those viewing virtually to comment and have their ideas recorded.

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
[redacted]
South Pender Island