

Letter to trustees — March 25, 2025

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Trustees,

I have had an opportunity to review the agenda package posted at 4:15 on March 24 for the March 27, 2025 “special meeting”. That package contains draft Bylaw 129, a staff report supporting the draft bylaw and the draft minutes from the February 14 LTC meeting. Please consider my following concerns arising out of the agenda package specifically related to the house size allowance options in the staff report.

House size allowance

At the June 2023 LTC meeting trustees attempted to repeal the changes to our Land Use Bylaw enacted through Bylaw 122 and revert back to the large house size allowances adopted in 2016. Thankfully trustees attempt to repeal the Bylaw 122 amendments was unsuccessful because trustees lacked the authority to summarily repeal a bylaw without a proper legal process.

Option #3 in the staff report essentially repeals Bylaw 122 house size allowances and reverts to the large mega house sizes adopted in 2016 for the 215 South Pender properties that currently have a dwelling. For example, our comfortable 2 bedroom, 2 bath 1,500 ft² home on a 2-acre lot can be rebuilt to 3,500 ft² under our current LUB. The proposal in option #3 would allow us to replace our home with a 5,600 ft² house. That would increase the potential house size by over 2,000 ft² over the current generous house size allowance.

Option #3 would undermine the rural character of our South Pender Community and disregard the policy goals in our OCP including the requirement that growth and development be gradual and sustainable and support our Island’s rural character. Imagine a row of 5,600 ft² houses along Drummond Bay. That’s what option #3 would invite. The notation in the staff report indicating, “Option 3 may require legal counsel review” is a step I strongly support.

Option #1 applies to new dwellings and presumably this option would be limited to new dwellings on the 58 vacant lots. Option #1 increases the current floor area allowance by 500 ft² for each lot size category. How many vacant lots will be developed in the next 5 years? Given the current economic circumstances and the emerging challenges, we face with our neighbour to the South, I suspect few if any of the vacant lots will be developed. So option #1 is largely a theoretical option that will have little effect in the near future.

If a property owner decides to develop a vacant lot and has a good reason to build a larger house than the current bylaw allows, the owner has the option of applying for a variance. As

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far as I am aware there have only been 3 variance applications in the current term and all have been granted. Changing the existing house size allowance to address exceptional circumstances is very questionable public policy when there is no justification for such a change.

Our LUB provides generous house size allowances well above the 1,900 average house size currently on South Pender. The proposals put forward by trustees so far take us further from the goals in our OCP and require a clear rationale. Trustees have not to date provided a rational for increasing the house size allowance.

For the foregoing reasons I oppose the adoption of either option #3 or option #1.

Draft minutes

The minutes of a previous meeting are an important source of information for community members, particularly community members who are not able to attend LTC meetings. Standing resolution 2006.012 calls on trustees to adopt minutes "...within 14 business days, if possible, of each meeting." Trustees have failed to follow this standing resolution. Over the past two years trustees generally provide "draft" minutes in the agenda package 5 business before the meeting and adopt the minutes at the meeting. The agenda package for the March 27 meeting was posted 2 days before the meeting. This does not promote public engagement of thoughtful consideration of complex and important issues as contained in the current agenda package. Trustees can and should do better.

I have further comments on some of the minor issues listed in Bylaw 129 which I will address in a separate letter.

Thank you for considering my views.

Paul Petrie
