

South Pender LUB review Minor Project

Why want to keep (WHAT)	Concerns (WHAT)	Proposed solutions (HOW)	Environment (WHY)	Privacy/rural character (WHY)	Rationale/how solution addresses problem (WHY)	Needs further clarification (Dag)
Setback from High Water Mark						
Prevent build on foreshore		Keep 122	protects foreshore more	N/A	Prevents buildings nearer foreshore, helping to further protect it.	How does this compare with trees cut on foreshore to open view? Is it more or less damaging to environment? Need some statement to how this is evaluated.
Increases privacy		Keep as is		Increases privacy from/to water perspective and is more rural in character.	Maintains rural character by having untouched foreshore and increases privacy from water traffic for residents.	If current setbacks are desired because it creates a "rural character and more private situation", is a personal opinion. We may want to gather more info on how many hold this view.
	Can create need for more tree cutting	Reduce setback to 114 level	If there are trees in front of a further setback building site, they may need to be cut down for views.	Creates corridors in forest	Could increase clearings for both house site and view instead of only for house site	An example of a situation were this were the case should be explained to show if more natural undisturbed area was disrupted by the larger setback of 122.
Prevent flooding of building		Keep 122			Sea-level rising could cause house built too close to shore to be flooded/washed away.	This depends on the shoreline slope. Should there be a slope component of the setback?
Shore armoring		Keep 122			Shore armoring	Different discussion
		Keep 122			Setbacks according to 122 means they cross /overlap in the middle of my house.	What does this result in? E.g. if build new today, would there be other options for build site? Are there some lots that would not have a viable building site without a variance to current 122?
	Too prescriptive, not allowing individual situations to be appraised based on their merit.	Change 122 back to what was, and look for ways to have each case evaluated by professional		Privacy/overreach	Too many factors individual for each situation. Should not have one number for size of setbacks. Should be established by professional.	What would be involved in "professional" approval? Need to understand what mechanism is suggested to achieve?
?	?	BOV should be used instead of Trustees			Board of Variance (BOV) should be used instead of Development Variance Permits (DVP) being decided by Trustees.	How would this change things? Would it be more fair? Cost less? take less time?
Interior Setback						
	To uniform, not fit for all situations.	Apply different setbacks for different property types/size etc. or exclude 122 from some property types.			One size does not fit all. Alternative solution (instead of Variance) could be to Exclude some areas from 122, and let it apply to others where it makes sense. E.g. Boudry Pass. E.g. Long narrow lots most affected, reducing options for building site.	If there is shared support for this, we would need to further discuss what the delineation criteria would be. How many "zones" etc. Staff would have to let us know if this is possible.
Increases privacy		Keep 122	NA	Increases privacy	Privacy can be lost when houses are built too close to neighbors. Side setbacks helps prevent this.	If current setbacks are desired because of privacy, is a personal opinion. We may want to gather more info on how many hold this view.
	Concerned with SP taking lead on new trends without rationale	Change 122 back to what was			Other Southern Gulf Islands (SGI) generally have not increased their side setbacks for similar lot sizes to the same level as SP LUB 122. Without a good rationale for why SP should be leading a trend of higher interior setbacks it's hard to see why a small island with a very low population should take the lead on this? * and ** below for two charts provided.	It would be good to get all the information from the rationales provided by the previous LTC on the point raised.
Both Setbacks						
	Site selection restrictions further reduced by setbacks		Bluffs, gullies, swamps, existing well protection zones, covenanted areas, septic zones etc. may restrict building site selection		Optimal site selections are already restricted by features like septic, well, covenants, topography etc. By further restricting by increased setbacks it can create hardship and prevent best environmental considerations and utilization of site.	An example of a situation were this were the case should be explained to show how more environmental disruption could be caused by the deeper setback of 122.
	Overbearing regulation		Doesn't allow homeowners to be free to make the best environmental decisions in some cases		Too much oversight, limiting personal agency over private space. Those who have agency over their lives are without question more productive and happier individuals and thus communities. Erode agency and people quickly feel neglected in the processes and manipulated by a few. It is not a sustainable social condition. When the world cries out for greater accommodation of the masses things like Bylaw 122 stand out as eroding that very agency. Not being trusted as stewards of the islands creates unnecessary friction in the community. This lack of working trust may create less focus on protecting environment.	If there is shared support for the concern about overbearing regulation (a personal opinion). We may want to gather more info on how many hold this view.
	Negative affect on property values	Change 122 back to what was			To maintain property values	To consider this we need to know which part of the Official Community Plan (OCP) supports protecting property values?
Should not consider Property values		Keep 122			Ignore property Values when considering 122	This is supported if there are no OCP mandates to protect property values.
Protect as much as possible.		Keep as is	Protects environment	N/A	More protected areas, the more is there for wildlife and plants. Therefore support the current setbacks.	This is clear, with the possible exception if there were a situation where more land was disturbed to accommodate larger setbacks. (Line 4.6 and 19)
Give it a chance to work		Keep as is for two years	Protects environment	Protects Rural Character	Give 122 a chance to work. Give it two years	Need to understand what "works" mean. Does it mean that variances are applied for and either approved or rejected? Or that few variances are applied for? Or that owners don't complain about extra cost/time of variance process? There has to be clear criteria for what "works" means.
		Change 122 to only apply to undeveloped lots.			Because approximately 80% of SP is already developed with dwellings any dwelling that is inside the 122 setback is now considered Legal Non Conforming (LNC). There has been no survey of how many homes that is. Instead of 122 setbacks, change 122 to only apply to the remaining undeveloped lots. That way no one needs to be classified as LNC, which some are uncomfortable with. What is the harm in solving the issue this way, and respecting existing homeowners more?	This brings up an interesting question, that if we had the answer, would allow us to evaluate this proposal: how many homes are now considered LNC due to LUB 122?
	Legal Non-conforming could affect us	Change 122 back to what was			We believe Insurance companies may charge more if our house is made Legally Non-Conforming.	***See attached below letter/statement from one insurer. If there are other letters it would be helpful.

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	20 ft Interior Setbacks	50 ft Setback Sea	% Homes of SGI Islands	Pop. Density / Sq km	Land Area / Sq km
Salt Spring	10 ft	50/30	55.10%	63.6	182.94
North Pender	10 ft	50	16.00%	47.3	52.13
Galiano	20 ft	25	11.00%	23.2	60.13
Mayne	10 ft	25	11.70%	58.4	22.35
Saturna	10 ft	25	4.40%	13	35.71
South Pender	20 ft*	50	1.90%	33	9.1

*Bylaw 122
Source:
Island LUBs, 2021 Census, IT Mapit, BC Assessment

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Comparison of Setbacks Rural Residential and Rural Lots on Southern Gulf Islands (Salt Spring/North Pender/South Pender/Mayne/Saturna/Galiano) as of February 9, 2024						
Island / Lot Category	Lot size	Interior Side	Exterior Side	Front	Back	from Sea
Salt Spring	all	3.0 m	4.5 m	7.5 m	7.5 m	15 m / 10 m*
* setback from natural boundary of the sea may be reduced to 10 m where an engineer has certified that the natural boundary is located on non-erodible material						
North Pender						
Rural Residential 1 & 2	4 ha average lot size AND no subdivision plan with average area of lots less than .8 ha	3.0 m	4.5 m	7.5 m	7.5 m	15 m
Rural	.6 ha AND no subdivision plan with average area of lots less than 4 ha	6.1 m	6.1 m	7.6 m	7.6 m	15 m
South Pender (with passing of Bylaw 122 in late 2021)						
Rural Residential 1	4 ha (1 acre) minimum for subdivision	3 m except dwellings and cottages must be 6 m	4.5 m	7.6 m	7.6 m	15 m

Rural Residential 2	8 ha (2 acres) minimum for subdivision	3 m except dwellings and cottages must be 6 m	4.5 m	7.6 m	7.6 m	15 m
Rural Residential 3 - similar to North Pender's Rural category	4 ha (9.9 acres) minimum for subdivision	3 m (10 ft) except dwellings and cottages must be 6 m	4.5 m	7.6 m	7.6 m	15 m
Mayne						
Settlement Residential, Rural Residential & Rural		3 m	4.5 m	8 m	8 m	7.5 m
Saturna						
Rural Residential, Rural General/Agricultural/Comprehensive Development		3 m	4.5 m	7.6 m	7.6 m	7.6 m
Gallano						
Village Residential 1	minimum .6 ha for subdivision (similar to South Pender Rural Residential 1)	6 m but 3 m if lot is in common with a lot on Village Residential 1, commercial, or industrial zone	6 m	7.5 m	7.5 m	7.5 m
Village Residential 2	minimum .8 ha for subdivision (similar to South Pender Rural Residential 1)	6 m but 3 m if lot is in common with a lot on Village Residential 2, commercial, or industrial zone	6 m	7.5 m	7.5 m	7.5 m
Small Lot Residential	minimum 1.2 ha for subdivision	6 m	6 m	7.5 m	7.5 m	7.5 m
Rural Residential (not the same as South Pender RR1 & 2)	minimum 1.2 ha for subdivision	6 m	6 m	7.5 m	7.5 m	7.5 m



THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

GUARANTEED REPLACEMENT COST (BRITISH COLUMBIA) - FORM 3110

(4) **GUARANTEED REPLACEMENT COST - COVERAGE A - DWELLING BUILDING** in BASIS OF CLAIM PAYMENT under SECTION 1 - CONDITIONS is deleted and replaced with the following:

(4) **GUARANTEED REPLACEMENT COST - COVERAGE A - DWELLING BUILDING**

- (a) If the Declarations indicate **GUARANTEED REPLACEMENT COST COVERAGE A - DWELLING BUILDING**, "we" will pay for the insured loss to "your" dwelling building on the basis of full "replacement cost" regardless of the Amount of Insurance shown on the Declarations, provided "you":
 - (i) insure "your" dwelling to 100% of the replacement value as of the original inception date of this policy as well as of the effective date of all subsequent renewal terms;
 - (ii) allow the "dwelling" Amount of Insurance to be increased annually, on renewal, by an inflationary percentage established by "us";
 - (iii) repair, rebuild or replace the "dwelling" building on the same location, unless "we" have granted permission for relocation, with a building of the same size and occupancy, constructed with materials of similar quality; and
 - (iv) notify "us" within 90 days of the start of work if "you" make additions or improvements to "your" dwelling building that would increase its "replacement cost" by \$10,000 or more.
- (b) In the event of an Earthquake or a fire caused by an Earthquake, "we" will pay up to 125% of the limit of insurance for COVERAGE A - DWELLING BUILDING, to repair or replace the lost or damaged property provided:
 - (i) the Declarations indicate **GUARANTEED REPLACEMENT COST - COVERAGE A**;
 - (ii) the Declarations indicate **EARTHQUAKE COVERAGE - Form 991** and **FIRE FOLLOWING EARTHQUAKE - FORM EQFF**; and
 - (iii) all conditions in (a) above are met.

In the event the loss or damage exceeds the Amount of Insurance indicated on the Declarations, "we" agree to pay up to 125% without any obligation to repair or replace the damaged property.
 Otherwise the basis of claim payment in the policy will apply as if this coverage had not been in effect.

SPECIAL CONDITIONS

For the purposes of this coverage, we will consider a "dwelling" insured to 100% of its replacement value if "you" provide us with a replacement cost calculator acceptable to "us", every 3 years.

In determining the cost of repairs or replacement, "we" will not pay or include the increased costs of repair or replacement due to the operation of any law regulating the zoning, demolition, repair or construction of buildings and their related services or increased costs associated with land stabilization.

All terms and conditions of this policy remain unchanged.