

DATE OF MEETING: December 14, 2017
TO: Gabriola Island Local Trust Committee
FROM: Teresa Rittemann, Planner 2
Northern Team
SUBJECT: Mudge Island Targeted OCP/LUB Review Project for Lot Coverage

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee endorse the Mudge Island Targeted OCP/LUB Review Project Charter, v.1 [as amended].
2. That the Gabriola Island Local Trust Committee allocate \$300 from the 2017/2018 Local Trust Committee Special Projects budget for the Mudge Island Targeted OCP/LUB Review Project.
3. That the Gabriola Island Local Trust Committee request staff to schedule a meeting for the Mudge Island Advisory Planning Commission to discuss and provide recommendations to the Local Trust Committee on potential amendments to the Mudge Island Official Community Plan and Land Use Bylaw in relation to Lot Coverage, including:
 - a) Modifying the definition of lot coverage to exempt cisterns or other structures to support water conservation;
 - b) Modifying the maximum lot coverage in the rural residential zone;
 - c) Regulating the size of dwellings and accessory buildings and structures;
 - d) Regulating impermeable surface coverage;
 - e) Incorporating Mudge Island as a "Special Area" under the Gabriola Official Community Plan and Land Use Bylaw.

REPORT SUMMARY

The purpose of this report is to provide the Gabriola Island Local Trust Committee (LTC) with preliminary guidance on the project recently added to the LTC's Top Priority list: a targeted review of Mudge Island Official Community Plan (OCP) and Land Use Bylaw (LUB), specifically as it relates to permitted residential lot coverage. Staff is recommending that if the LTC wishes to proceed, that the Mudge Island Advisory Planning Commission (APC) be consulted on a number of items. The project may be further developed in the future depending on input from the APC and LTC consideration of this input.

BACKGROUND

At the September 7, 2017 Gabriola Island Local Trust Committee (LTC) meeting, the LTC passed the following resolution to move this Project to the Top Priorities List:

GB-2017-123

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee remove Developing a New Ecological Protection Zone for the Land Use Bylaw from the Top Priorities List and place it on the Projects List and replace it with Review of Mudge Island Lot Coverage Regulations. **CARRIED**

This project responds to community concerns regarding the number of Development Variance Permit (DVP) applications to increase the maximum lot coverage on small lots on Mudge Island. Community concerns also exist around the need for water cisterns, which are “structures” under the current definition in the Mudge Island Land Use Bylaw, and therefore are currently included in the lot coverage calculation.

ANALYSIS

Policy/Regulatory

Mudge Island Official Community Plan (OCP), No. 227:

The Mudge Island OCP is intended to guide the decisions of government agencies, current residents, special interest groups, organizations, new or prospective landowners, the LTC, and staff. It is a statement of objectives and policies to guide decisions on planning and land use management. It states the values of the community, and as the values of the community changes, so too can their OCP.

The unique amenities of Mudge Island include its rainwater supply and extensive tree cover (among others), and that almost the entire zoning of the island is residential (i.e. no schools, no commercial facilities, and businesses are limited to home occupations), save for a park and two areas zoned for marina/parking use. Mudge Island has no public dock nor does it have urban type amenities such as streetlights, sidewalks, paved roads, garbage and recycling collection, community water or sewer services, or firefighting services (volunteer only). Residents follow a “maintain your own property” philosophy.

Policies in the OCP (and regulations in the LUB) have been developed to take into account individual and collective impacts and ecological footprints. Enjoyment of rural island character and residential privacy are fundamental elements of island life. Keeping these in mind, island based, flexible, moderate and uncomplicated regulatory understanding is sought.

Residential lands are designated in the OCP as “LB – Land Based”; applicable objectives and policies include:

Objectives

- 1. To support a diverse population and community of lifestyles through residential uses that are compatible with the environmental carrying capacity and rural character.*
- 2. To support residential development and activities, stewardship practices, and initiatives that minimize impact on rural character and resources.*
- 3. To support creative proposals that provide community benefit, enhance rural island character, and preserve and protect the environment.*

Policies

- 1. The principal use in this designation shall be residential, with one single family dwelling per lot.*
- 2. Uses and structures typically associated with residential uses shall be permitted.*
- 3. **Lot coverage should be limited, unless measures are taken that prove an increase in site development will not reasonably increase environmental or social impacts.***

Mudge Island Land Use Bylaw (LUB), No. 228:

In the Mudge Island LUB, the only residential zone is RR – Rural Residential. By contrast, Gabriola has two main residential zones (SRR and LRR). Some existing LUB regulations between the two islands are compared in Table 1 below:

Table 1: Comparison of Regulations between Mudge Island’s and Gabriola Island’s Residential Zones

	Maximum Lot Coverage	Maximum Number of Single Family Dwellings Per Lot	Maximum Number of Cottages Per Lot	Minimum Lot Area for Subdivision	Minimum Average Lot Area for Subdivision
Mudge Rural Residential (RR) zone	10%	1	1 (on lots 1.9 ha or larger)	4 hectares	8 hectares
Gabriola Small Rural Residential (SRR) zone	20%	1	1 (on lots 2.0 ha or larger)	0.5 hectares	2 hectares
Gabriola Large Rural Residential (LRR) zone	10%	1	1 (on lots 2.0 ha or larger)	2 hectares	4 hectares

Since the LUB was adopted in September 2008, there have been only two approved variances to increase the 10% maximum lot coverage on the island:

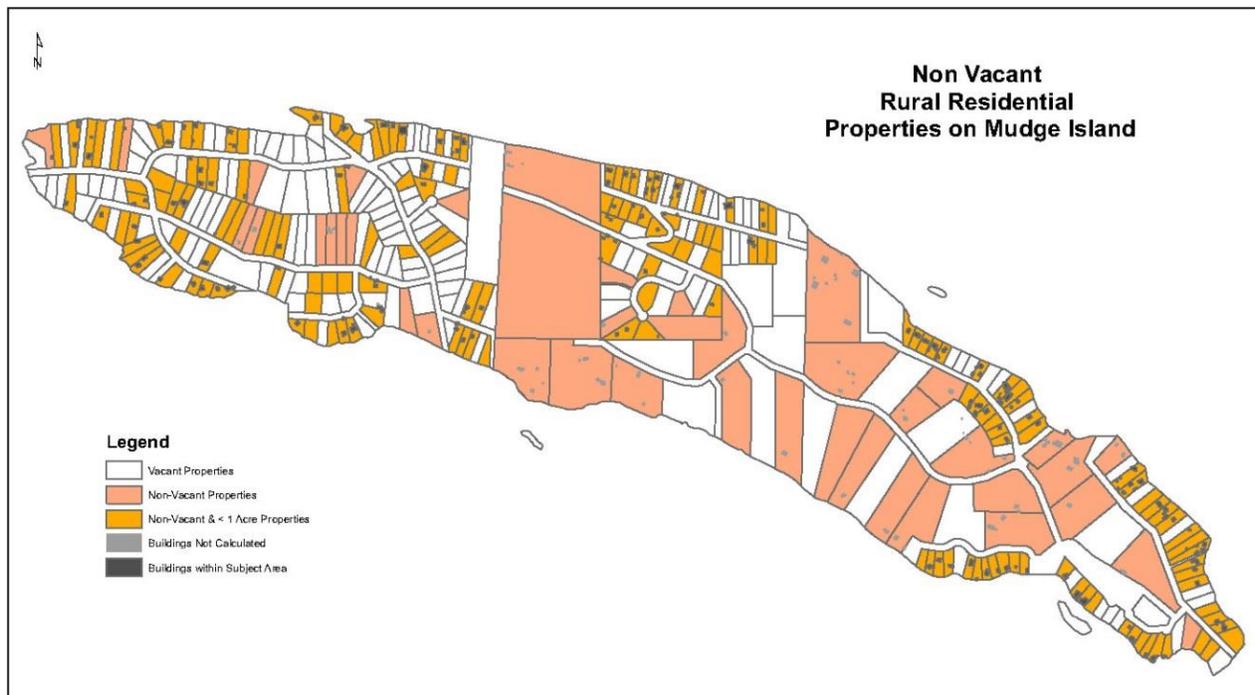
- GB-DVP-2015.1 (Da Fonseca); Feb. 2016. Increased maximum lot coverage to 11.6% for that lot; and
- GB-DVP-2016.2 (German); Oct. 2016. Increased maximum lot coverage to 14.0% for that lot.

Issues and Opportunities

Existing Lot Coverage

Planning Staff consulted Islands Trust GIS/Mapping Staff to estimate Mudge Island’s current lot coverage and produce a map (see Map 1 below).

Map 1: Map of Mudge Island’s Current Lot Coverage (Estimated)



Note that the above map is *only an estimate* of existing lot coverage on Mudge Island, and Staff involved with data collection and analysis made the following assumptions:

- Other than the one single park on the southern tip of Mudge Island, the rest of the island is within the Rural Residential (RR) zone, and currently there are approximately 358 RR-zoned lots.
- The GIS data used was from BC Assessment, which notes which properties are “vacant” (white lots) and which are “non-vacant” with development of some kind (orange and salmon-coloured lots).
- Islands Trust also has a GIS data layer to show areas covered by buildings and structures. Some restrictions to this data layer include the fact that the dense tree cover on Mudge Island makes aerial identification of built construction difficult. Thus, some lots which are non-vacant according to BC Assessment, also appear to have no “buildings” on them on the map above.
- Since there is no community water system on Mudge, our GIS team made the assumption that each non-vacant lot has at least one water cistern structure which contributes to lot coverage. Thus, Mapping Staff added 10m² of coverage to every non-vacant lot to account for cisterns that are likely not recorded on this building layer.

GIS Results:

According to the data, when considering the entire island, the average lot coverage of Mudge Island is 1.42%, which does not include any additional coverage from cisterns or other structures (e.g. fences) etc.

Assuming that every non-vacant lot has a cistern or other water-collection structure (i.e. assuming/not counting water wells) with an estimated footprint of 10m², the average lot coverage only rises to 2.52%. Notably, there are some large parcels on the island which lower the average.

Finally, when Mapping Staff further **narrowed the data down to only those RR-zoned, non-vacant lots that are less than 1 acre in size (and still included the addition of 10m² to assume a water cistern), the average lot coverage rose to 5.17%**. This version of the average lot coverage calculation included the dark grey buildings on the orange-coloured lots (not the light grey buildings on the salmon-coloured lots), plus the assumed 10m² water cistern addition on each orange lot.

Subdivision Potential

Staff note that there is very little subdivision potential (to increase density) on Mudge Island (approximately seven or eight more lots could be created given the current regulations). Thus, if not permitting more lots, increasing the maximum lot coverage is another way to permit how densely the island can be covered by buildings and structures. Such an amendment would be contrary to the existing policies of the OCP.

Harmonization of Bylaws

Mudge Island community members have expressed an interest in having greater consistency with the Gabriola Island Land Use Bylaw regulations pertaining to the SRR zone. Despite whether or not SRR zoning is appropriate for Mudge Island, the LTC and community members may wish to consider combining the Mudge Island OCP and LUB with the Gabriola OCP and LUB. Under this scenario, Mudge Island could have its own Local Area Plan and regulations and also benefit from more timely policy and regulatory amendments (given that these would occur at the same time as for Gabriola Island). If the LTC selects this option, it is recommended that the Mudge APC be asked to consider this option.

Status Quo

In the interim, it may make the most sense to continue considering Development Variance Permit applications on a case-by-case basis. As is currently the policy of the Regional District of Nanaimo, Building Permits (BPs) are

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required for construction on Mudge Island, even though the RDN does not currently conduct inspections on Mudge Island (or DeCourcy or the Flat Top Islands). RDN Staff emphasize that the BC Building Code applies province-wide and all lot owners, including those on Mudge Island, must still apply for and obtain BPs. Exceeding the 10% maximum lot coverage may be more likely in cases where lot owners aren't aware of Mudge Island's maximum lot coverage regulation because they have not previously applied for or obtained Building Permits from the RDN.

Consultation

The Mudge Island APC received an orientation on Wednesday, November 29 and expressed enthusiasm for a community process to review Mudge Island's lot coverage regulations. Staff are recommending that the APC be referred a number of items for their discussion and consideration at an APC meeting, including the following:

- Potentially modifying the definition of lot coverage to exempt cisterns or other structures that support and encourage water conservation.
- Potentially increasing the maximum rural residential lot coverage on Mudge Island from 10% to mimic the maximum 20% lot coverage of Gabriola's Small Rural Residential zone;
- Potentially limiting the maximum sizes of dwellings and/or accessory buildings and structures on Mudge Island;
- Potentially regulating maximum area covered by impermeable surfaces; and
- Potentially incorporating the Mudge Island Planning Area as a "Special Area" (with separate and relevant/appropriate regulations) of the Gabriola Island Official Community Plan and Land Use Bylaw.

Upon receipt of Mudge Island APC feedback, the LTC may decide whether or not to pursue or amend the Mudge Island Targeted OCP and LUB project charter, and may wish to hold a Community Information Meeting (CIM) in the future to solicit input from the wider Mudge community.

Rationale for Recommendation

Given the existing policies and objectives of the Mudge Island OCP and LUB, and that the existing average lot coverage is around 5% for non-vacant RR lots less than 1 acre, Staff does not recommend increasing the permitted maximum lot coverage from 10%. However, Staff does recommend that the Mudge Island Advisory Planning Commission (APC) meet to consider and discuss other potential options and implications, such as limiting dwelling or accessory building sizes, excepting cisterns/rainwater water catchments from the lot coverage definition, or requiring landscaping/native vegetation to minimize freshwater use, etc.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee request that Staff provide the following information [insert requested information] related to the Mudge Island Targeted OCP/LUB Review Project for Lot Coverage.

2. Proceed no further with the project

The LTC may also proceed no further with the project. Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee proceed no further with the Mudge Island Targeted OCP/LUB Review Project for Lot Coverage.

NEXT STEPS

Should the LTC pass the recommended resolutions, Staff would coordinate with the APC to schedule a meeting and then would report back to the LTC with a Staff Report and recommendations at a subsequent LTC meeting. Based on APC input, the LTC could then determine whether or not to proceed with the project (or to amend the Project Charter at that time).

Submitted By:	Teresa Ritemann, MCIP, RPP Planner 2	November 17, 2017
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	December 6, 2017

ATTACHMENTS:

1. Mudge Island Targeted OCP and LUB Review Project - DRAFT Project Charter, v.1.