

File No.: 6500-20 - Mudge Island OCP/LUB
Review Project for Lot Coverage

DATE OF MEETING: March 1, 2018
TO: Gabriola Island Local Trust Committee
FROM: Teresa Ritemann, Planner 2
Northern Team
SUBJECT: Mudge Island Targeted OCP/LUB Review Project for Lot Coverage

PURPOSE

Further to the staff report dated December 14, 2017, the purpose of this interim memorandum is to provide the Gabriola Island Local Trust Committee (LTC) with an update on the status of this project.

DISCUSSION

At the December 14, 2017 LTC meeting, the LTC passed the following resolution:

GB-2017-149

“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 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.”**

The Mudge Island Advisory Planning Commission (APC) met on January 19, 2018 at the Islands Trust Office to discuss the LTC’s referral of the five potential amendments above. The APC passed the following resolution:

GB-APC-2018-001:

“that the Mudge Island Advisory Planning Commission recommend that the Gabriola Island Local Trust Committee review and consider the APC’s draft meeting minutes for January 19.”

The minutes of the APC’s January 19 meeting address one of the potential amendments above: (b) modifying maximum lot coverage in the rural residential zone. The APC concluded at their January 19 meeting that increasing the maximum lot coverage from 10% to 20% to mimic Gabriola’s Small Rural Residential (SRR) zone would solve most of the current lot coverage issues on Mudge Island.

The APC held another meeting (on Sunday, February 18) on Mudge Island to adopt the January 19 meeting minutes and further address the referral; Staff were unable to attend. Adopted minutes of the January 19 meeting and draft minutes of the February 18 meeting are included in the March 1, 2018 LTC meeting agenda package.

Given the deadline for LTC agenda preparation, Staff have had inadequate time to review the minutes of the February 18 APC meeting. Thus, this memorandum does not comment further on potential amendments in relation to items a, c, d, and e of the LTC's resolution.

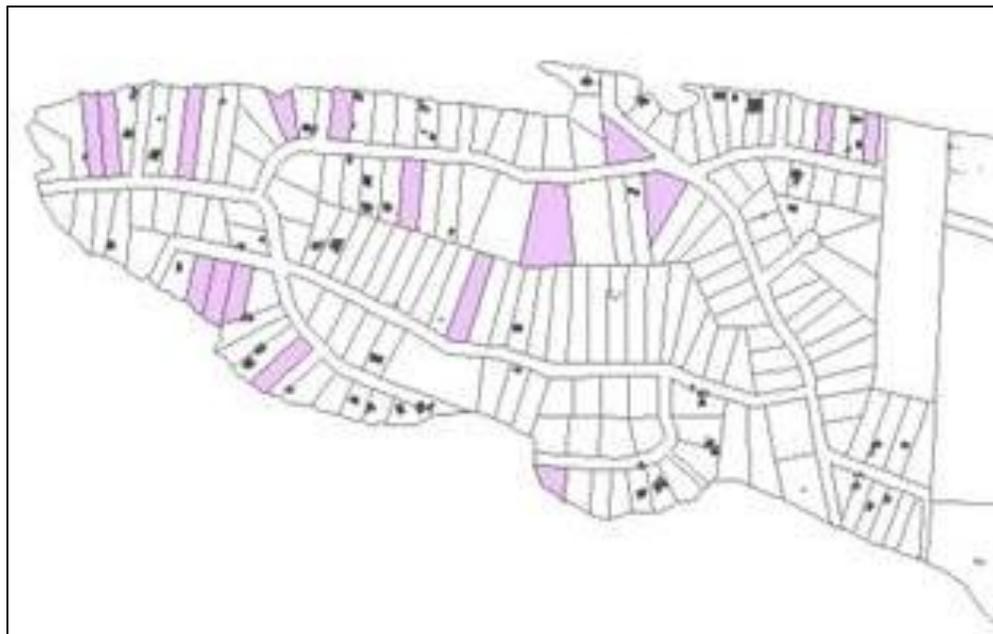
Lot Coverage Regulation

It is the view of Staff that, with respect to this project, amendments to the Mudge Island Land Use Bylaw are warranted; however, a blanket increase in lot coverage from 10% to 20% across Mudge Island is not a viable solution to address the community's concerns. The key reason is that this would increase the lot coverage for all lots, regardless of their size; Staff believe further investigation is needed to determine to what extent the definition of structure could be amended to alleviate concerns and whether or not a lot coverage increase should only apply to lots under a certain size. Applying a 20% lot coverage to large lots (e.g. greater than 1 acre enabling building footprints in excess of 8,700 square feet) seems to be excessive in the context of the Islands Trust which has an environmental protection mandate, nor would this be supportable under the current Islands Trust Policy Statement (ITPS) or OCP policy framework.

Private Building Schemes

At their January 19 meeting, the APC commented on a private covenant on Coho Estates' 1970 subdivision properties (185 out of 358 lots on Mudge Island are in this subdivision) which required a minimum inside floor area of 1000-1200 square feet for the dwelling. The APC Secretary emailed a copy of this Building Scheme (C12394) for Staff review. The Building Scheme specifies that *"No building shall be erected on any of the lots for use as a permanent dwelling house, unless the same shall have a minimum living area within walls, exclusive of garages, carports, and other annexures, of 1,000 square feet for non-waterfront lots, and 1,200 square feet for waterfront lots."*

Figure 1: 17 Lots with the 1971 Building Scheme C12394 Registered on Title



Staff note that the Building Scheme was registered in 1971 and applies to 17 of the 185 properties (see Figure 1 above) in the Coho Estates development (Subdivision Plan 23697), namely Lots 6, 11, 12, 13, 28, 29, 33, 39, 41, 52, 66, 69, 116, 141, 146, 150, and 176. Approximately half of the 17 lots have constructed dwellings, and half are currently vacant.

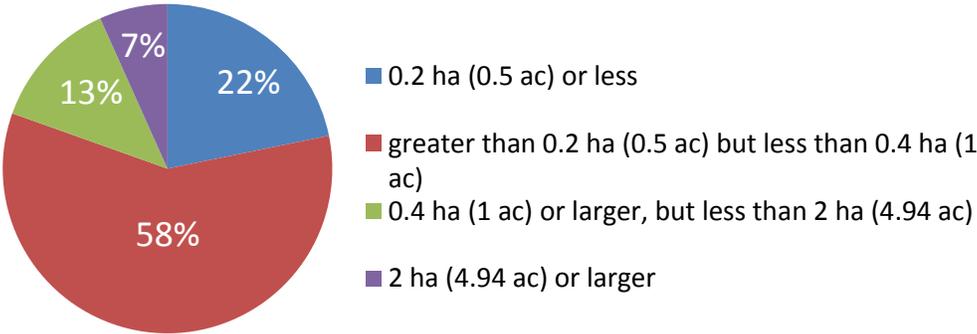
To clarify, although residents may have previously constructed dwellings (which may be either one- or two-storeys in height) consistent with the 1971 private Building Scheme, the provisions of this building scheme do not take precedence over LTC bylaws. The LTC is the land use authority having the power to regulate the size and siting of buildings, structures and uses. This authority cannot be superseded by a private entity.

Lot Sizes and Distribution

To aid in the analysis of lot sizes and distribution on Mudge Island (and the creation of Figure 2 below), Planning Staff requested the following data from the Islands Trust GIS department:

Mudge Island’s Rural Residential (RR) Zone	
Total # of Lots	358
Smallest Lot Size	0.14 hectares
Largest Lot Size	15.86 hectares
Average Lot Size	0.52 hectares
# of lots 0.2 ha (0.5 ac) or less	78
# of lots greater than 0.2 ha (0.5 ac) but less than 0.4 ha (1 ac)	210
# of lots 0.4 ha (1 ac) or larger, but less than 2 ha (4.94 ac)	46
# of lots 2 ha (4.94 ac) or larger	24

Figure 2: Lot Size Distribution of Mudge Island



As shown in Figure 2 above, approximately 80% of the lots on Mudge Island are less than 1 acre in size. Thus, a blanket increase to a maximum of 20% lot coverage for all lots on Mudge does not make sense. Not every lot on Mudge is the same, and the issue is really only a concern for the smallest lots (the average lot size on Mudge is approximately 0.5 acres).

Bylaw Amendments

If changes to the Mudge Land Use Bylaw (LUB) are proposed, they must be consistent with the Mudge Official Community Plan (OCP). If not, the OCP will also need to be amended, therefore requiring Ministerial approval. In either case, proposed changes also need to be consistent with Islands Trust Policy Statement – the overarching document which applies Trust-wide.

Public Consultation

Further community consultation should be undertaken once the LTC has considered the APC recommendations on all five of the potential amendments of the referral. In addition, public correspondence received from community members to date has been posted to the project website: <http://islandstrust.bc.ca/islands/local-trust-areas/gabriola/projects-initiatives/mudge-island-targeted-occlub-review-project/>.

Two themes thus far include:

- 1. Mudge’s 10% maximum lot coverage should be increased to the same as Gabriola’s SRR zone (20%).** Public correspondence received suggests it may be difficult for some small lot owners to meet the current 10% maximum, and some are worried that an unhappy neighbour may complain if they exceed the 10% lot coverage, forcing them to apply for a variance. The APC Bulletin #1 noted that “we have a significant number of lots with Buildings and Structures on them that exceed the 10% maximum lot coverage. To fix this problem we need to amend our LUB, Definitions and Maximum Lot Coverage to a percentage more in line with our Mudge Island reality. We expect, as a starting point, that amending our LUB to mimic the coverage and definitions allowed on Gabriola Island would solve most of our issues.”
- 2. The definition of “structure” should be amended.** There were various suggestions as to what types of exclusions could be made in the definition. Staff would suggest that more public consultation should occur around this point.

Staff note that an increase from 10% to 20% for the entire island is not the only solution if the intent is to reduce the number of lots that cannot meet the current 10% maximum. An opportunity currently exists to look past the status quo, think outside the box, and develop a creative solution to address the current situation.

NEXT STEPS

Unless otherwise directed by the LTC, staff will undertake the following:

- Review the APC draft minutes from February 18;
- Conduct a deeper analysis of the five potential amendments as referred to the APC; and
- Prepare a staff report for LTC consideration at the April 12, 2018 meeting, which includes a discussion of policy and regulatory options, proposed amendments to the Project Charter, and request for further public consultation on certain matters.

Submitted By:	Teresa Rittemann, MCIP, RPP Planner 2	February 16, 2018
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	February 21, 2018