



Minutes of the Mudge Island Advisory Planning Commission

Date of Meeting:	Friday, January 19, 2018
Location:	Islands Trust Office 700 North Road, Gabriola, BC
APC Members Present:	Susanne Jakobsen, Chair Linda Carroll, Deputy Chair Douglas MacDonald, Secretary John Mallett (by conference call)
APC Members Absent:	Dale Erickson unable to call in via conference call
Staff Present:	Teresa Ritemann, Planner Wil Cottingham, Recorder
Others Present:	Heather O’Sullivan, Local Trustee Melanie Mamoser, Local Trustee Three (3) members of the public

1. CALL TO ORDER & WELCOME

Planner Ritemann called the meeting to order at 1:00 pm. John Mallett joined the meeting by conference call.

2. VOTING IN OF CHAIR, DEPUTY CHAIR & SECRETARY

By general consent, Susanne Jakobsen was elected as Chair; Linda Carroll was elected as Deputy Chair, and Douglas MacDonald was elected as Secretary.

3. APPROVAL OF AGENDA

By general consent, the agenda was approved.

4. MINUTES

3.1 Mudge Island Advisory Planning Commission Draft Minutes for adoption

There were no previous minutes to adopt.

5. REFERRAL FROM THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE 6500-20-MUDGE ISLAND OCP/LUB REVIEW PROJECT FOR LOT COVERAGE

5.1 Planner Ritemann – brief background/presentation

Planner Ritemann gave a PowerPoint presentation regarding the Mudge Island Lot Coverage Referral with a brief overview of the following:

- The history of Mudge Island OCP/LUB versus the Gabriola Island OCP/LUB
- The Islands Trust Regional Conservation Plan
- Habitat Loss “Thresholds” and Risks for Ecosystem Collapse
- Ecological Community at Risk – Coastal Douglas Fir Ecosystem
- Comparison with City of Nanaimo’s “Protection Island”
- Comparison between Mudge RR zone and Gabriola’s SRR/LRR zones
- Advisory Planning Commission’s (APC) tasks for discussion/recommendations to Local Trust Committee (LTC)

APC members had the following comments/questions regarding Planner Ritemann’s presentation:

- Damage from deer has a greater impact on the Mudge Island ecosystem than development.
- Mudge Island ecosystem is better compared to Vancouver Island north of Nanaimo than to the more complex ecosystem of Burns Bog.
 - Planner Ritemann said comparison to Burns Bog was drawn because both are the same biogeoclimactic zone which is Coastal Douglas Fir.
- Is Mudge Island being kept at current lot coverage to limit overall ecological impact across the Gabriola Island Local Trust Area (LTA)?
 - Planner Ritemann responded that the map on page seven (7) of the presentation shows the current state of ecological community at risk. Potential ecological impact of increased lot coverage on Mudge Island is unclear. She agreed that any changes on Mudge Island would not change the ecosystem already impacted on Gabriola Island.

5.2 APC discussion to 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 Island Official Community Plan and Land Use Bylaw.**

APC members had the following comments:

- Thanked the Planner and Islands Trust staff for information in the staff report.
- They found the rules of not discussing the referral outside the meeting burdensome.
- The following notes/questions are from their one-on-one discussions and email conversations.

A summary of pre-determined APC questions/comments regarding the staff report dated December 14, 2017 was presented by APC Secretary, Douglas MacDonald:

- 1) Statement at top of P. 2 “This project responds to community concerns regarding the number of Development Variance Permit applications...”
 - Where does the statement come from since the dominant opinion on Mudge Island is that lot coverage has been kept artificially low?
 - Planner Rittemann responded that her initial understanding was that the Mudge community was concerned about the number of DVPs, but deferred to the Trustees for further response as she was not at the initial Local Trust Committee meeting for this project.
 - Trustee O’Sullivan indicated that the number of DVPs was not the issue, but simply that there was concern on Mudge regarding lot coverage and it should be reviewed.
 - Doug clarified that Mudge Island residents want greater than 10% coverage and Trustee O’Sullivan concurred that this was her understanding as well.

- 2) Policies item 3 – bottom of P.2
 - Questioned why emphasis was placed on Policy 3.
 - Planner Rittemann responded that Policy 3 was highlighted simply because it referred to lot coverage, which is what this project is about.

- 3) Page 3 – Staff report states since implementation of Mudge Island LUB only two (2) applications to increase lot coverage have been approved.
 - The APC questioned how many Development Variance Permit applications in total have been made and wondered why these DVPs would be a factor in discussion regarding lot size when those were brought forward due to bylaw enforcement action and lot coverage only came to light after the enforcement action on other issues?
 - Planner Rittemann indicated the applications were relevant because this project concerns lot coverage and the two DVP applications were given variances for lot coverage.

- 4) The APC expressed concern regarding the accuracy of using GIS mapping to determine current lot coverage on Mudge Island. The following issues were outlined:
 - Limitations on overhead view due to tree coverage makes data questionable even with information from BC Assessment showing vacant properties.
 - The APC pointed out that there was an assumption made that most Islanders had cisterns, when in fact most had wells.
 - If system of GIS mapping is flawed then assumption of average lot coverage is flawed, which is the basis of the recommendation for rejection of increase from 10% to 20%. If the system itself is flawed, the foundation of the recommendation is flawed.
 - GIS system does not identify septic tanks, septic fields, absorption fields or any other non-building structure which means the data used to calculate average lot coverage of 5.17% is incorrect.
 - Regional District of Nanaimo information indicates that the size of septic fields are dependent upon area percolation. In areas of good percolation an average would be around 450 square feet, where in an area of poor percolation you could see a field of around 1000 sq ft. This averaging based upon an average home size. Based on these statistics, Mudge Island, with areas of very poor percolation would have a large portion of their maximum lot coverage used by the septic field.

- Averaging creates a false sense of density because derelict building lots, which are essentially vacant, artificially lower the average lot coverage. If derelict/vacant properties are removed from the calculation the average lot coverage increases to 15-20% if all structures are included (driveway, pump house, etc).
- 5) What “interim” is referenced in the staff report statement *“In the interim, it may make the most sense to continue considering Development Variance Permit applications on a case-by-case basis.”*
- Planner Rittemann responded that this refers to the interim until the end of the current project charter.
- 6) The APC asked if Planning Staff had any idea how many DVP’s might be needed to maintain the status quo and if the Islands Trust has the resources, time and budget to process as many as 100 DVP’s if an increase in maximum lot coverage on Mudge was not approved.
- 7) The APC had several questions regarding the origin of the concept of harmonizing Gabriola Island and Mudge Island land use bylaws as well as the implications of being designated a “Special Area” as cited in the staff report. The Planner clarified as follows:
- Historically Gabriola Island Trustees considered listing Mudge, Link and Decourcy Islands as a Special Area within the Gabriola Official Community Plan (OCP) and Land Use Bylaw (LUB). The current OCP/LUB review has revived this idea as an option which could result in more timely policy and regulatory bylaw amendments.
 - Autonomy of zoning on Mudge Island could be maintained and unique aspects of Mudge Island’s OCP/LUB would be outlined in a preamble to the Special Area portion for Mudge Island within the Gabriola OCP/LUB.
 - Using the Special Area designation, a zoning on Mudge Island could be the same or different than the SRR zone on Gabriola Island even if the OCPs and LUBs were harmonized. Zoning could remain as it is currently on Mudge Island or with different regulations in the bylaw specific to that zone.
 - Being a Special Area within the Gabriola OCP/LUB would allow amendment of the Mudge Special Area at the same time as when the Gabriola OCP/LUB is amended rather than having two separate projects. This simplifies the process rather than having two top priorities for the LTC to address the two areas separately.
 - The APC asked Planner Rittemann specifically, were Mudge Islanders to agree to relinquishing their own OCP/LUB and be folded into a Special Area” within the Gabriola OCP/LUB, would Mudge Island automatically fall under the Gabriola Island LUB with respect to maximum lot coverage. Planner Rittemann responded, no.

A concern was raised by an APC member that if Mudge Island becomes a Special Area within the Gabriola OCP/LUB they may lose the flexibility to control their own fate. Mudge could become a part of the average on Gabriola and could be denied a zoning change due to an overall objective of the Islands Trust to limit certain zones for the entire Gabriola LTA.

- 8) The APC questioned whether the Planner stands by the recommendation to reject increasing maximum lot coverage on Mudge given their assessment of the quality of the data used to calculate the 5.17% average lot coverage.

- Planner Ritemann clarified that the Staff Report did not reject increasing lot coverage, and that due to the limitations of the mapping data (noted on page 4 of the Staff Report) Staff could not recommend increasing the lot coverage at this time, and that Staff's recommendation to the LTC was to refer the matter to the APC for further consideration and comment because of the limitations to the mapping data. Planner Ritemann clarified that "not recommending" is not the same as "rejecting", and based on analysis and mapping limitations at the time, staff did not have sufficient rationale to recommend that the LTC increase Mudge's lot coverage above 10%. The APC did not agree with the distinction between "not recommending" and "rejecting".

Discussion followed and the APC suggested that their recommendation to the LTC should be that, given the concerns expressed by the APC, the Staff Report be reviewed. It was also noted that more consultation with the community was needed before the APC could provide final recommendations to the LTC on the matters that the LTC had referred to them.

- 9) The APC requested clarification on the definition of structure in the Mudge Island LUB and indicated that they considered inclusion of human made land alterations of such things as driveways (concrete, asphalt or gravel), septic tanks and fields, fences and perhaps raised garden beds as unreasonable and burdensome. It was noted that septic tanks and fields were not included in the two previously-approved variances on Mudge Island and that this may have been due to confusion of the bylaw by Planning Staff. There was also confusion as to why an attached deck is considered a structure when a detached ground level deck or concrete patio is exempt from the definition. It was viewed that there is inconsistency regarding what is and is not considered a structure in the LUB.
- 10) The APC provided those in attendance a Zoning Map taken from the Gabriola Island Planning Area By-law 7 enacted in 1980. The zoning map showed a portion of False Narrows that highlighted the zoning differences between Mudge and Gabriola Islands. Equal sized lots on each Island were zoned differently. Mudge zoned R1 (Resource Protection) with a 10% maximum lot coverage. The same size lots on Gabriola Island zoned RR (Rural Residential) with a maximum lot coverage of 20%. The APC asked if there was any explanation as to why this would be the case. Planner Ritemann explained that it was her understanding from people with some historical knowledge that there wasn't buy-in from Mudge Islanders.
- 11) An itemized calculation of the square footage of typical structures found on Mudge Island properties was presented by the APC to demonstrate how easily 10% lot coverage can be exceeded. It was noted that there is a private covenant on Coho Estates subdivision waterfront properties which requires minimum inside measurement of 1000-1200 sq ft.

Members of the public who attended the meeting voiced the following opinions:

- Banks will not issue mortgages for homes under 750 sq ft or without a septic system so lot coverage limitations may impede the ability to get a mortgage.
- Cisterns, septic fields and gravel driveways should be excluded from lot coverage
- There is confusion regarding the regulations and many properties are likely over the 10% coverage limit with driveways alone due to the terrain of the properties and long steep driveways to provide access.

- On the smallest size lot on Mudge Island, even without septic, a modest home size, woodshed and powerhouse, the addition of a cistern will exceed 10% coverage. The APC invited Trustees to visit Mudge Island to see the actual average lot coverage to help understand why 10% coverage is onerous.
- It was noted that owners are compelled to disclose that they are over the lot coverage limit when selling a property, so this will likely lead to hundreds of aging owners submitting DVP applications before they sell.

The general consensus of the APC was that increases to lot coverage should be made now to bring the majority of residents into compliance and avoid a flood of DVP applications to Island Trust.

The APC asked if they could delay making recommendations to the Local Trust Committee until the April 12 or May 3 business meeting. Discussion ensued and it was suggested that the draft minutes from the meeting be made available to the LTC for consideration at their March 1 meeting.

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It was MOVED and SECONDED,

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.

CARRIED

Further discussion ensued, with a summary of points as follows:

- When scheduling a Community Information Meeting, APC members will be consulted regarding timing.
- Comments from the community should be sent to LTC and the Gabriola Island Planner so that all comments are on the public record for consideration.
- As public submits comments, staff will review for redaction of any private information or defamatory comments and then the submissions will be uploaded to the website for this project. Submissions then form part of the public record.
- For the purpose of taking minutes which also form part of the public record, all public meetings may be recorded, including by audio recording.

6. ADJOURNMENT

By general consent, the meeting was adjourned at 2:38 pm.

Susanne Jakobsen, Chair

Certified Correct:

Wil Cottingham, Recorder