

Mudge Island Advisory Planning Commission

Bulletin #1

January 24, 2018

Greetings to all Fellow Mudge Islanders.

In this, our first official bulletin, we will try and bring you completely up to date on our Advisory Planning Commission (APC) actions to date. We will try to be as concise as possible, however there is a lot going on, so a lot to report. This report will be broken into four parts:

The initial meeting.

Why this issue is in front of us today

How it impacts you.

Contributions we can all make to ensure a successful outcome.

Initial Meeting: Our first meeting was held at the Islands Trust Office on Friday, January 19, 2018. In attendance were Gabriola Local Trust Committee (LTC) Trustees Heather O’Sullivan and Melanie Mamoser, Islands Trust Planner Teresa Ritemann as well as three Mudge Islanders, Sandy Jasper, Steve Tozer and Chad Giesbrecht. The first order of business at our first meeting was to elect APC Officers. Elected were Susanne Jakobsen as Chair, Linda Carroll as Vice-Chair and Doug MacDonald as Secretary. APC member John Mallett joined the meeting by phone, APC Member was Dale Erickson unable to join by phone owing to internet issues.

Purpose of Meeting: The APC received an APC Referral Request (**file # 6500-20-Mudge Island OCP/LUB Review Project, Lot Coverage**). You will recall from an earlier posting that our scope of work was to discuss and provide recommendations to the LTC on potential amendments to the Mudge Official Community Plan (OCP) and Land Use Bylaw (LUB) 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.*

Planner Ritemann provided a presentation that showed a bit of the history about how and where our LUB came from, as well as an overview of various conservation initiatives. After this presentation the APC took a significant amount of time to ask questions about the Staff Report and to challenge most findings contained therein. You can find the Staff Report with this link. <http://islandstrust.bc.ca/islands/local-trust-areas/gabriola/projects-initiatives/mudge-island-targeted-occlub-review-project/>

Specifically, we challenged the Staff Report for:

1. The assertion that *“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.”* This project in fact responds to the many complaints at different meetings held on Mudge that our maximum lot coverage (10%) is unrealistic and needs to be increased.
2. Methodology and assumptions for current lot coverage calculations.
 - a. We were not satisfied with the accuracy of the GIS Mapping in that the system could not “see” all the buildings on Mudge, nor could it “see” and calculate areas containing structures other than buildings. Structures such as septic tanks, septic fields, driveways, fences, retaining walls, etc. (more on this issue later)
 - b. Given the limitations listed above, and the process used to “average” the estimated lot coverage, we also challenged the average lot coverage calculation of 5.17%. We pointed out that any mathematical calculation arrived at using insufficient data was bound to be flawed. In this we argued that were all structures counted pursuant to our LUB, that the average lot coverage for non-vacant lots would likely exceed the 10% maximum.
 - c. We did ask about the issue of *“Harmonizing of Bylaws”*. This is the bit about Mudge becoming a Special Area of the Gabriola Island OCP/LUB. Our question really was, if we collapsed our own Mudge Island OCP/LUB would we be automatically rolled into those of Gabriola, with the exact same lot coverage definitions and bylaws. The answer was pretty much a clear, no. Given this, your APC is not inclined to agree with, nor recommend any such proposal.
 - d. Staff report, *“Rationale for recommendation”*. It is important for our Mudge Islanders to know that the Islands Trust Planning Staff writes that, ***“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%”***. We strongly disagreed with this recommendation. Again, their calculation of a 5% average lot coverage is not supported by Island lot coverage realities
3. In addition to questions and challenges regarding the Staff report, we also asked several clarifying questions of our Mudge Island LUB, all focused on the definition of “Structure”. As you may recall Part 1-1.1. of our LUB in Definitions, a structure is defined as:
“STRUCTURE means any construction and human made land alteration fixed to, supported by, or sunk into land or water; for clarity septic fields, septic tanks, absorption fields and related appurtenances, concrete and asphalt paving or similar surfacing of the land, and retaining structures are considered structures.”

This is one of these issues where we all thought we knew what this meant. Turns out we didn't. We asked what *“similar surfacing of the land”* meant. As example, would gravel driveways or walkways be counted as a structure? It is a man-made alteration of the land, so the answer given was yes. What about gardens, or more specifically raised bed gardens? There was no clear answer about gardens (which is scary), though they are a human made alterations, but raised bed construction is clearly a structure. Fences, fence rails and posts are structures. Those nice stone walls or steps you have placed on your property, they count too. Essentially anything you add or change to your land that alters the natural surroundings counts towards your 10% Maximum Lot Coverage.

Why this issue is in front of us today? The why we are facing this issue now is essentially, that it has taken many years to get to this point. Mudge Islanders have been talking about the inequity between us and Gabriola Island for years. Recall that Gabriola has a 20% maximum lot coverage with several exclusions. We feel we have been given the opportunity now because of advocates pushing for change, and critically, LTC Trustees willing to listen to our concerns. No matter why it is in front of us now, we have a very real chance of correcting a decades old oversight.

How does this impact you? Whether you realize it or not, this issue impacts every single home owner in some manner. The smaller your lot, the greater the impact. You can all do the math, but here is an example for illustration. There are 43,560 square feet per acre. Using a 1/2 acre lot, the overall square feet is 21,780. The maximum total area you can cover with buildings and structures is 10%, 2,178 square feet. Remember, this includes everything man-made or altered. So, you have a 1/2 acre lot with 2,178 of usable space.

Let's play a quick game. You are going to build a one bedroom, one-bathroom house, on one level, that also has a small utility room, and combined living room, dining room & kitchen. You expect about 900 sq ft inside walls. You also want to have indoor plumbing which will require a septic tank and field. (Looking at various websites, and speaking to people on the island we are advised that an area with good percolation could see a septic tank and field as small as 450 square feet. In bad percolation areas that number could rise to 1000 square feet. Mudge has both so we are going to assume moderate percolation so estimate a field of 700 square feet). It is expected that you will need a pump house and power shed. The shape of your property requires two small buildings. So, lets add it up so far.

Septic tank and Field	700 sq ft
Home (no decks at all)	900
Eaves on home at 18" o/a	180
Pump house 10'x10'	100
Electrical shed 10'x10'	<u>100</u>
So far	1,980 sq ft.

This leaves **198 sq ft** for everything else. (Driveways, gardens, fencing, decks, shop, wood shed etc.) in this example we have tried to be moderate in our assumptions. Those of us with smaller lots would face an even harder task of compliance. (as example .44 acre/1916 sq ft; .45/1960 both more than the 10% maximum coverage using the above illustration)

Take a moment and think about the size of your lot; the size of your home including all decks; and everything else man-made or altered on your property, and see how you would fit within the 10% maximum lot coverage. If you fall within the 10% maximum, great. If not, what can you do about it?

Contributions we can all undertake to ensure a successful outcome. A little bit on the "How" we ended up in this place, with Bylaws so different than those of Gabriola Island, when we are in the same Trust Area. As we have researched the history of our Bylaw process we found a few things of interest. Prior to 1980 we were under the jurisdiction of the Regional District of Nanaimo (RDN) and subject to their

development regulations of the day. While a little fuzzy on exact dates, it appears that most of the Mudge subdivision developments were finished in the early 1970's. The Islands Trust was established in 1974, with the Gabriola Trust Area (Gabriola, Mudge, Link and Round Islands) rolled into what was known as Bylaw 7 1980. At that time Mudge was zoned R1 (resource protection) at the same time similar sized lots on Gabriola Island were zoned R3 (Rural Residential). R1 had a maximum coverage of 10%, R3 20%. Gabriola Island started creating their own OCP/LUB sometime around 1977. We understand that Mudge Islanders were offered an opportunity to participate, but didn't. We have no clear reason as to why this was so, but expect that three possible reasons could be factors. First this could be lack of information, second that some were ambivalent, or third just plain old Mudge Islander stubbornness. No matter the why, lack of community participation seems a logical reason why we have different rules than our sister Island.

At this point, the why or how we ended up here doesn't matter at all. What we need to face is the "what is", and importantly how to fix it. The "is", is 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 inline 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.

Your APC needs you to be involved. Firstly, thank you to all of you who did respond to our first call for emailed comments. We had 25 Islanders respond. Again, thanks. We need all of you impacted with the coverage issue to please send comments to Islands Trust Planners, as well as to our Trustees. I would ask those that did respond to me earlier to please send your comments in to the Trustees as well. I can't send them on your behalf, as a forwarded email won't count as being original. Your notes do not have to be lengthy. Simply provide your opinion on whether you think we should, or shouldn't amend our LUB to increase the maximum lot coverage.

We have an opportunity, 10 years in the making to fix this coverage oversight. Your APC encourages you to take an active part. The louder the voice, the better the message will be heard. We would ask that you reference your comments as **Mudge Island Targeted OCP/LUB Review Project** and send them to:

gabriolaplanner@islandstrust.bc.ca

copied to Trustees - Heather O'Sullivan and Melanie Mamoser,

hosullivan@islandstrust.bc.ca

mmamoser@islandstrust.bc.ca

mudgekid@telus.net

I will forward those sent to me to the rest of the APC.

During this process, if you have any questions, please do not hesitate to contact us directly. Until then, and with best wishes on behalf of Chair Susanne Jakobsen, Vice-Chair Linda Carroll, Dale Erickson and John Mallet, I am

Doug MacDonald, APC Secretary