



Islands Trust

Gabriola Island Local Trust Committee

# FAQ: FREQUENTLY ASKED QUESTIONS

Housing Options Review Project

October 2017

*This FAQ document, prepared by Islands Trust planning staff, includes commonly asked questions and answers about the Local Trust Committee's (LTC) Housing Options Review Project. The purpose of this document is to provide clear and accurate information about this project in order to foster meaningful public participation in the associated consultation process. Further questions and comments may be directed to the Gabriola Island Local Trust Committee at [gbltc@islandstrust.bc.ca](mailto:gbltc@islandstrust.bc.ca)*

## **Q: What is the Housing Options Review Project?**

**A:** This is a multi-year land use planning project initiated by the Gabriola Island Local Trust Committee (LTC) to review the Official Community Plan (OCP) and Land Use Bylaw (LUB) to increase housing options on Gabriola Island. In 2016 the LTC developed a targeted Phase I scope for the Housing Options Review Project as a result of community, Advisory Planning Commission (APC) and planning staff analysis. Recommendations included the need for increased flexibility for secondary suites and a review of existing policies and regulations guiding residential development on Gabriola Island. The LTC limited Phase I of the project scope to reviewing provisions for a secondary suite in lieu of an accessory cottage (where permitted by zoning) on lots over 2 hectares in size. A community survey was conducted in late 2016 on the Phase I topics being considered. The proposed policies and regulations, if adopted, would allow a suite to be located within, attached or detached to the principle residence, or within or above an accessory building. The project is also reviewing existing regulations that currently prohibit a kitchen or bathroom in an accessory building.

## **Q: Where can I access relevant reports, draft bylaws and background information about this project?**

**A:** Information about this project including staff reports, draft bylaws, community presentation slides, community survey results, technical studies and public correspondence is available at: <http://www.islandstrust.bc.ca/islands/local-trust-areas/gabriola/projects-initiatives/gabriola-housing-options-review-project/>

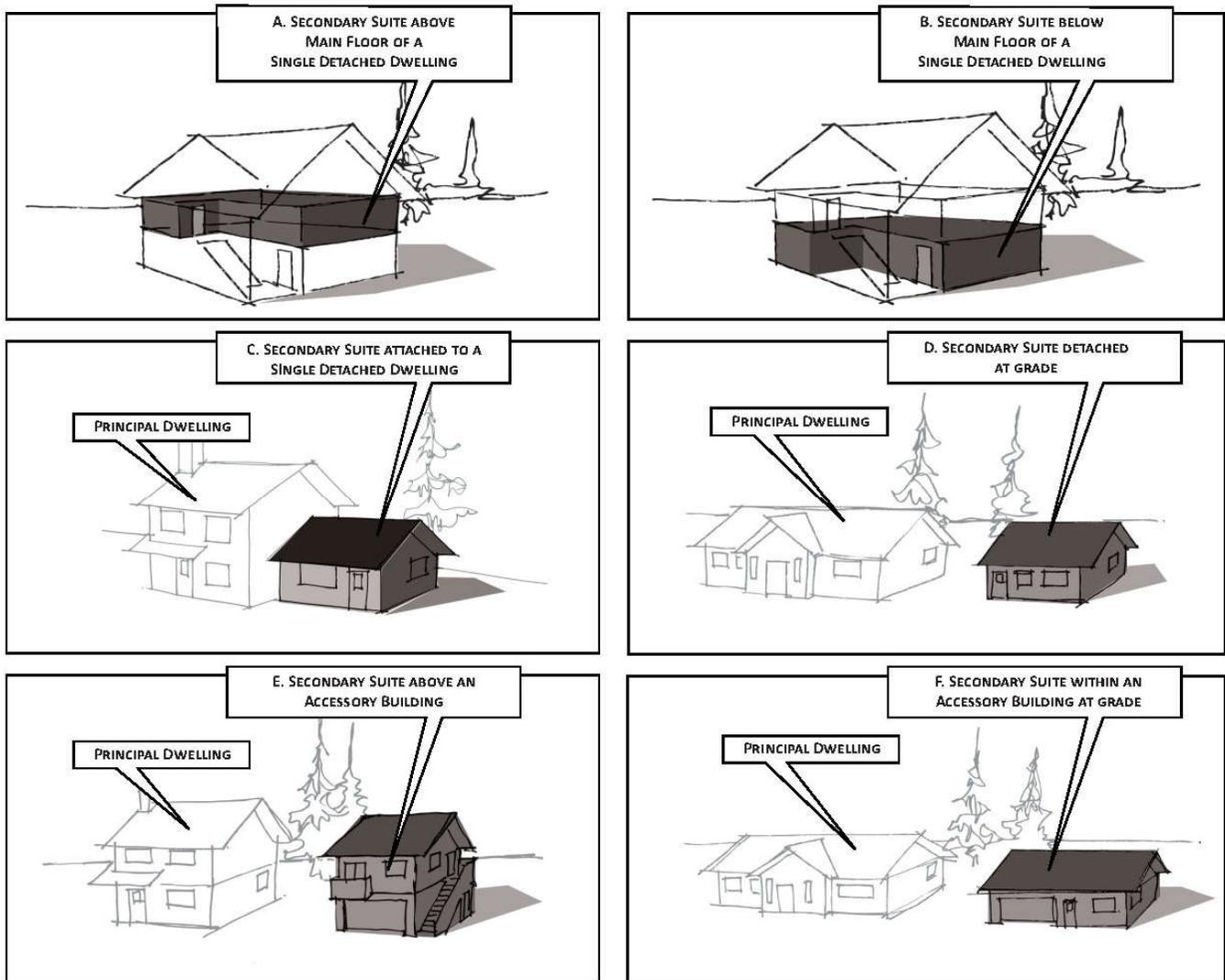
LTC meeting agendas and minutes are also available on the website at: <http://www.islandstrust.bc.ca/islands/local-trust-areas/gabriola/meeting-calendar-agendas-minutes/>

## **Q: What are Proposed Bylaws 292 and 293 about?**

**A:** Proposed Bylaw 292 is comprised of nine proposed amendments to the OCP. The bylaw was given Second Reading in October 2017 by the LTC after extensive community input and planning review. The bylaw, if adopted, would remove references to "accessory cottage" in the OCP and replace it with "secondary suite", as well as remove select definitions from the OCP that are duplicated in the LUB or not required.

Proposed Bylaw 293 is comprised of 32 specific amendments to the LUB. The bylaw, if adopted would allow a secondary suite (in lieu of an 'accessory cottage') on a lot in one of six different build out configurations as shown below (options A-F). Proposed changes include regulating the floor area of a secondary suite; permitting a bathroom and/or kitchen in an accessory building and providing greater clarity for regulations pertaining to lands in the Agricultural Land Reserve (ALR) and home occupations.

## Secondary Suite Configuration Options:



### **Q: What is the difference between an ‘accessory cottage’ and ‘secondary suite’?**

**A:** The current LUB regulations in select zones allow one principle residence and one accessory cottage (maximum 700 square feet) per lot (that is 2 hectares or larger). The proposed changes would eliminate reference to the “accessory cottage” and replace it with “secondary suite”. This would allow greater flexibility to configure the suite in one of six options and potentially increase the floor area to accommodate up to a 2 bedroom unit. For a suite in Option A, B or C the maximum floor area proposed is 40% of the floor area of the principle residence or 968 square feet (whichever is less) and for Option D, E, F the maximum floor area proposed is 968 square feet.

### **Q: Why are the proposed regulations for additional dwellings on lots in the Agricultural Land Reserve (ALR) different than for lots not in the ALR?**

**A:** Under the existing Gabriola land use bylaw regulations for a lot in the ALR, the LTC permits up to a maximum of three dwellings: **1)** one principle dwelling; **2)** one secondary suite within the principle dwelling (maximum floor area of 40% of the habitable floor area of the principle dwelling or 968 square feet whichever is less); and **3)** a manufactured home for immediate family or farmworker housing (with specific restrictions/conditions). Under the proposed bylaw the LTC is considering further aligning the regulations with recent provincial regulations, by allowing the manufactured home option **OR** an additional secondary suite above an accessory building (in lieu of a manufactured home). Farm status would not be required for the secondary suite where as it would

be required for the manufactured home. The maximum number of dwellings permitted on an ALR parcel would still be **three**. The option of more flexible housing configurations may create greater opportunities for agricultural activities to occur on ALR land and be supplemented by rental income, or result in a larger pool of rental accommodation being available to farmers in order to maintain or achieve farm status for a property owner.

Lands in the ALR are also regulated by the provincial *Agricultural Land Commission Act* and *Agricultural Land Reserve Use, Subdivision and Procedure Regulation, B.C. Reg. 171/2002*. The *ALC Act* takes precedence over, but does not replace other legislation and bylaws that may apply to the land. The LTC are expected to plan in accordance with the provincial policy of preserving agricultural land. The ALC regulation is the specific code, under the *ALC Act*, that clearly identifies farm activities and non-farm uses that are permitted in the ALR and this includes the maximum number of dwellings (three per ALR parcel).

### ***Q: What do other regulatory agencies or groups have to say about the proposed changes to the Official Community Plan and Land Use Bylaw?***

**A:** The application has been referred to First Nations, the Regional District of Nanaimo and several provincial agencies. The LTC has considered referral responses received to date. A summary of referral responses can be viewed on the project website.

### ***Q: If the Proposed Bylaws are adopted, what are the steps for me to apply to construct a secondary suite on my lot?***

**A:** Property owners with a lot 2 hectares or larger in the qualifying zones can apply to the Regional District of Nanaimo Building Inspection Department for a building permit to construct a new secondary suite. The Building Inspector will inspect the plans to ensure consistency with the LUB regulations and the requirements of the British Columbia Building Code, as well as provisions for adequate septic and water. A restrictive covenant will be required to be registered on the title of the property prior to a building permit being issued, to prohibit the strata conversion of new dwellings.

### ***Q: What is the “restrictive covenant” that is proposed to be registered on title of the property with a new secondary suite?***

**A:** The LTC has required that as a condition of moving forward with the secondary suite regulations that a restrictive covenant be required for any new suite being constructed to prohibit future building strata subdivision of new dwellings on the lot. A section 219 covenant under the *Land Title Act* is an agreement between the land owner and the Local Trust Committee that in this case specifies some restriction of activities or land use that is applied to all or a portion of a subject property. For this particular project, a model restrictive covenant has already been prepared so that property owners can use it. The cost of preparation of the covenant has been borne by the LTC but registration of the covenant with the Land Titles Office would be the responsibility of the property owner applying for a building permit. The LTC has the authority to require a covenant and with the consent of the owner, agree to discharge a covenant under specific circumstances (i.e. if replaced by an affordable housing agreement).

### ***Q: Does this project address affordable housing needs on Gabriola Island?***

**A:** Phase I of this project does not address the provision of affordable housing on Gabriola Island and is strictly limited to expanding options for rental market housing in the form of secondary suites. A housing needs assessment is currently being updated for Gabriola by a consultant based on community consultation and analysis of the most recent census data. Once these findings are compiled and presented to the LTC the intent is for recommendations to form the basis of a Phase II project. This will include a review of the housing gaps identified in the housing needs assessment, anticipated to include subsidized and affordable housing.

## **Q: What is the difference between a ‘Community Information Meeting’ and a ‘Public Hearing’ and how do I provide input to the LTC on this application?**

**A:** A Community Information Meeting is an opportunity for the public to learn about a project and provide input to and ask specific questions of the LTC or planning staff in order to make an informed decision about whether their interests are affected by the proposed bylaws and what type of input they wish to provide as part of the public hearing process. Two community information meetings regarding this project were held in December 2016 and June 2017. A third community information meeting is tentatively scheduled for **November 8, 2017**.

A Public Hearing is a formal opportunity for affected individuals to speak directly to the local trust committee on the proposed bylaws 289 (OCP) and 290 (LUB). Submissions may be made until the close of the public hearing. The local trust committee may not accept any new information relating to the proposed bylaws after the adjournment of the hearing. A public hearing is tentatively scheduled for **November 16, 2017**.

The public is encouraged to provide input to the Gabriola Island Local Trust Committee on this application prior to the close of the public hearing via email to [gbltc@IslandsTrust.bc.ca](mailto:gbltc@IslandsTrust.bc.ca) or mail to Islands Trust Northern Office, 700 North Road, Gabriola Island BC, V0R 1X3.

## **Q: What are the next steps in the bylaw review process?**

**A:** Following the public hearing, the LTC can make a decision to either, a) not proceed with the proposed bylaws, b) determine whether further amendments are required prior to giving third reading to the bylaws or, c) give third reading to the bylaws as presented at the public hearing. Should it be the decision of the LTC to proceed with the bylaws, the next step would be the bylaws would be forwarded to the Islands Trust Executive Committee for approval. Once that approval has been received, they would be forwarded to the Ministry of Municipal Affairs and Housing for the approval by the Minister. Once that approval has been received, the LTC would be able to give final readings to adopt the bylaws.

## **Contact Information:**

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*Please note, all correspondence provided to the Local Trust Committee will be included in the public record and may also be posted on the Islands Trust website. Islands Trust will not consider correspondence from anonymous sources and or publish written statements that are subject to the Freedom of Information and Protection of Privacy Act, or statements that are potentially defamatory, profane or otherwise inappropriate for general circulation. Senders of such correspondence will be informed of the necessary amendments that would make their correspondence eligible for receipt and circulation on an open public agenda.*