Gabriola Island Local Trust Committee
Regular Meeting Addendum

Date:	**May 11, 2017**
Time:	**10:15 am**
Location:	**Gabriola Arts & Heritage Centre**
	476 South Road, Gabriola Island, BC

			Pages
7.	**BUSINESS ARISING FROM MINUTES**	10:45 AM - 11:00 AM	
	7.2 APC Bylaw Review and Update - Staff Report		*2 - 10*
11.	**LOCAL TRUST COMMITTEE PROJECTS**	11:30 AM - 12:30 PM	
	11.1 Housing Options Review Project - Bylaws 292 and 293 - Staff Report		*11 - 49*
13.	**REPORTS**	12:50 PM - 1:05 PM	
	13.10 Trustee and Local Expense Report dated March, 2017		*50 - 50*

STAFF REPORT

File No.: 3040-20-01 (Gabriola APC)

DATE OF MEETING: May 11, 2017

TO: Gabriola Island Local Trust Committee

FROM: Ann Kjerulf, Regional Planning Manager
Northern Team

SUBJECT: Bylaw No. 296 – Gabriola Island Advisory Planning Commission Bylaw

RECOMMENDATION

1. **That the Gabriola Island Local Trust Committee has reviewed the Directives Only Checklist and confirmed by resolution that Bylaw No. 296, cited as "Gabriola Island Local Trust Committee Advisory Planning Commission Bylaw, 2017", is not contrary to or at variance with the Islands Trust Policy Statement.**

2. **That Gabriola Island Local Trust Committee Bylaw No. 296, cited as "Gabriola Island Local Trust Committee Advisory Planning Commission Bylaw, 2017", be read a first time.**

3. **That Gabriola Island Local Trust Committee Bylaw No. 296, cited as "Gabriola Island Local Trust Committee Advisory Planning Commission Bylaw, 2017", be read a second time.**

4. **That Gabriola Island Local Trust Committee Bylaw No. 296, cited as "Gabriola Island Local Trust Committee Advisory Planning Commission Bylaw, 2017", be read a third time.**

5. **That Gabriola Island Local Trust Committee Bylaw No. 296, cited as "Gabriola Island Local Trust Committee Advisory Planning Commission Bylaw, 2017", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.**

REPORT SUMMARY

The Gabriola Island Local Trust Committee (LTC) is asked to consider giving readings to Bylaw No. 296, cited as "Gabriola Island Local Trust Committee Advisory Planning Commission Bylaw, 2017", and subsequently to forward the bylaw to the Executive Committee for approval, prior to consideration of adoption. Bylaw No. 296 provides updated bylaw language, with references to the new *Local Government Act* [RSBC 2015], consolidates the Advisory Planning Commission (APC) bylaws for Gabriola (Bylaw 209), DeCourcy (Bylaw 162) and Mudge (Bylaw 163), and clarifies roles and responsibilities of APC members.

BACKGROUND

At the March 9, 2017 meeting, the LTC passed the following resolution:

> **GB-2017-052**
> **It was MOVED and SECONDED**
> that the Gabriola Island Local Trust Committee request that staff prepare an updated Advisory Planning Commission bylaw for consideration of the Local Trust Committee.

Draft Bylaw No. 296 is included as Attachment 1 .The Directives Only Checklist is presented as Attachment 2 for confirmation at the time of first reading. Staff has reviewed draft Bylaw No. 296 in conjunction with the Directives Only Checklist, and are satisfied that the bylaw is compliant with the Islands Trust Policy Statement.

ANALYSIS

Policy/Regulatory

The authority to establish Advisory Planning Commissions is granted to LTCs through the *Islands Trust Act* and section 461(2) of the *Local Government Act*. Establishment of Advisory Planning Commissions supports the Islands Trust Policy Statement guiding principle that "*open, consultative public participation is vital to effective decision making for the Trust Area*".

Issues and Opportunities

The Gabriola Island LTC currently has three administrative bylaws for APCs, covering Gabriola Island, DeCourcy Island and Mudge Island. While the three bylaws provide for different sizes of APCs, they are otherwise relatively consistent in their language and terms. The authority to enact any APC in the Gabriola Local Trust Area lies with the LTC. Hence, it is not necessary to have separate APC bylaws for each island. Further to this, the *Local Government Act* (LGA) was substantially revised and updated in 2015. Hence, section references have changed including those respecting the establishment and responsibilities of Advisory Planning Commissions. Draft Bylaw No. 296 is updated to reflect current LGA sections, retains the option for the LTC to establish one or more Advisory Planning Commissions, provides for the appointment of up to seven members per commission, consolidates three bylaws into one, and also clarifies the roles of the Chairperson, Deputy Chairperson, and Secretary.

Statutory Requirements

LTC administrative bylaws are required to be approved by the Executive Committee prior to adoption. No public hearing is required.

Rationale for Recommendation

Staff are of the opinion that Bylaw No. 296 will continue to provide the LTC with flexibility regarding the number commissions and appointments to each commission it chooses to establish. The updated bylaw language should also reduce bylaw redundancy and further clarify the role and responsibilities of APC members. The staff recommendation is outlined on page 1 of the report.

NEXT STEPS

Assuming concurrence with the recommended resolutions, Bylaw No. 296 would be forwarded to the Executive Committee for consideration.

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	April 28, 2017

ATTACHMENTS

1. Draft Bylaw No. 296
2. Islands Trust Policy Statement Directives Only Checklist

DRAFT

GABRIOLA ISLAND TRUST COMMITTEE

BYLAW NO. 296

A BYLAW TO ESTABLISH ADVISORY PLANNING COMMISSIONS FOR THE GABRIOLA ISLAND LOCAL TRUST AREA PURSUANT TO THE *LOCAL GOVERNMENT ACT* AND THE *ISLANDS TRUST ACT*

The Gabriola Island Trust Committee, being the Local Trust Committee having jurisdiction on and in respect of the Gabriola Island Local Trust Area in the Province of British Columbia, pursuant to the *Islands Trust Act*, enacts as follows:

1. Establishment

a) The Gabriola Island Local Trust Committee may appoint one or more Advisory Planning Commissions to advise the Local Trust Committee on all matters referred by the Local Trust Committee respecting land use, the preparation and adoption of an official community plan or a proposed bylaw or permit that may be enacted or issued under Part 14 of the *Local Government Act*.

2. Appointment of Members

a) The Local Trust Committee may, by resolution, appoint up to seven members to an Advisory Planning Commission (APC) to serve concurrent two year terms.

b) At least two thirds of APC members must be residents of the Local Trust Area.

c) The Local Trust Committee may, by resolution, remove a member of an APC at any time.

d) If a member is removed or resigns from an APC, the Local Trust Committee may, by resolution, appoint a new member to serve the balance of the term of the appointment.

3. Roles

a) The APC members must, from among the members, elect a Chairperson, a Deputy Chairperson, and a Secretary, during the first meeting after their appointment.

b) The Chairperson will:

i) Receive referrals from the Local Trust Committee and, in response, determine when and where meetings will be held;

ii) Ensure that meetings are conducted in accordance with the requirements of this Bylaw and the *Local Government Act*;

iii) Sign meeting minutes to certify that they are true and correct following approval by the APC.

iv) Record a member's declaration of conflict of interest or potential conflict of interest, once a member has declared it;

v) In the absence of the Secretary, act in the role of Secretary or appoint another member of the APC to act in the role of Secretary.

c) The Deputy Chairperson will:

i) Undertake the duties listed in 3b) above, in the Chairperson's absence.

d) The Secretary will:

i) Assist the Chairperson, as needed, to arrange meetings;

ii) Ensure that public notice is posted or public advertisements are placed in advance of APC meetings;

iii) Except where the Islands Trust has retained a professional minute taker to support the APC, record and maintain legible minutes of all APC meetings; forward copies of draft minutes to the Islands Trust office; ensure minutes are approved by the APC at a subsequent meeting; and provide copies of adopted minutes to the public upon request;

iv) Inform the Local Trust Committee of the resignation of any APC member, within thirty (30) days of the resignation.

4. Referrals

a) An APC will receive referrals on matters respecting land use, community planning or proposed bylaws and permits under Part 14 of the *Local Government Act*, which are referred directly to the Commission by the Local Trust Committee.

b) A meeting on any particular referral must be held not more than (40) days after the date of receipt of that referral unless the Local Trust Committee has requested a response by an earlier specified date.

5. Notice of Meeting

a) An employee of the Islands Trust must provide documentation associated with any referral from the Local Trust Committee to all members of the APC.

b) The Secretary must send a notice of meeting including a description of all referrals to be discussed to each member at least five (5) calendar days prior to the meeting.

c) The Secretary must ensure an applicant is notified of the date, time and place of the meeting at which his or her application or proposal will be discussed at least five (5) calendar days prior to the meeting.

d) The Secretary must ensure the Local Trustees and the employee of the Islands Trust noted in 5a) are notified of each meeting at least five (5) calendar days prior to the day of the meeting.

e) The Secretary must post a notice of the date, time, and place of any regular APC meeting at least five (5) calendar days prior to the meeting on a bulletin board on Gabriola Island that is accessible to the public; such bulletin board to be the same as is used by the Local Trust Committee for the posting of any scheduled Local Trust Committee meeting.

6. Conduct of Meeting

a) All deliberations of the APC must take place in a meeting, and all meetings must be held in a public facility and must be open to the public.

b) A quorum is the lessor of three members or 50 % of those appointed.

c) The Chairperson is to convene the meeting and may adjourn the meeting from time to time.

d) If the APC is considering an amendment to an Official Community Plan or a bylaw, or the issue of a permit, the applicant for the amendment or permit is entitled to attend the meeting and to be heard.

e) If an applicant or agent fails to appear, despite being duly notified, deliberations and recommendations may be made in the applicant's absence.

f) At the request of any APC member, the Chairperson must invite an elected official, Islands Trust staff, or member of the public present at the meeting to comment on the matters before the Commission.

g) The APC must not receive development proposals or other applications directly from applicants.

h) The APC must not consult directly with other government agencies or organizations.

i) If the Chairperson considers that another person at the meeting is acting improperly and in a manner that is disrupting the deliberations of the APC, the Chairperson may order that person expelled from the meeting.

7. Notice of Recommendation

a) If the Local Trustees did not attend an APC meeting, they may request a verbal report from the Chairperson at a subsequent meeting of the Local Trust Committee.

b) All APC recommendations shall be recorded as part of the meeting minutes, and may be recorded as resolutions, provided that, where requested by any member, all dissenting opinions are also recorded.

c) All APC recommendations and meeting minutes must be forwarded by the Secretary to the Local Trust Committee and to the Islands Trust Office, within seven (7) days of an APC meeting.

d) Although the recommendations must be received by the Local Trust Committee, the Local Trust Committee is not bound by the recommendations.

8. Transition

a) "Gabriola Island Local Trust Committee Advisory Planning Commission Bylaw, 2002", is repealed.

b) "Gabriola Island Local Trust Committee DeCourcy Island Advisory Planning Commission Bylaw, 1996", is repealed.

c) "Gabriola Island Local Trust Committee Mudge Island Advisory Planning Commission Bylaw, 1996", is repealed.

9. Citation

a) This Bylaw may be cited as "Gabriola Island Local Trust Committee Advisory Planning Commission Bylaw, 2017".

READ A FIRST TIME THIS DAY OF , 2017

READ A SECOND TIME THIS DAY OF , 201X

READ A THIRD TIME THIS DAY OF , 201X

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

DAY OF , 201X

ADOPTED THIS DAY OF , 201X

_____ _____

SECRETARY CHAIRPERSON

ISLANDS TRUST POLICY STATEMENT
DIRECTIVES ONLY CHECKLIST

File No.: 3050-01 (Gabriola APC)
File Name: Bylaw No. 296 (APC Bylaw)

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECKLIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

✓ if the bylaw is consistent with the policy from the Policy Statement, or
✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
N/A if the policy is not applicable.

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	**Ecosystems**
N/A	**3.1.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	**3.1.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
N/A	**3.1.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	**Forest Ecosystems**
N/A	**3.2.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	**Freshwater and Wetland Ecosystems and Riparian Zones**
N/A	**3.3.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	**Coastal and Marine Ecosystems**
N/A	**3.4.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	**3.4.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	**Agricultural Land**
N/A	**4.1.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	**4.1.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	**4.1.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
CONSISTENT	**NO.**	**DIRECTIVE POLICY**
N/A	**4.1.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
N/A	**4.1.8**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	**4.1.9**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	**Forests**
N/A	**4.2.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	**4.2.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	**4.2.8**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.

CONSISTENT	NO.	DIRECTIVE POLICY
	4.3	**Wildlife and Vegetation**
	4.4	**Freshwater Resources**
N/A	**4.4.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	**4.4.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	**Coastal Areas and Marine Shorelands**
N/A	**4.5.8**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	**4.5.9**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	**4.5.10**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	**4.5.11**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	**Soils and Other Resources**
N/A	**4.6.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	**Aesthetic Qualities**
N/A	**5.1 3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	**Growth and Development**
N/A	**5.2.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
N/A	**5.2.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
N/A	**5.2.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	**5.2.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	**Transportation and Utilities**
N/A	**5.3.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	**5.3.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	**5.3.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	**5.3.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	**Disposal of Waste**
N/A	**5.4.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

CONSISTENT	NO.	DIRECTIVE POLICY
	5.5	**Recreation**
N/A	**5.5.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	**5.5.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	**5.5.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	**5.5.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	**5.5.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	**Cultural and Natural Heritage**
N/A	**5.6.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	**5.6.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	**Economic Opportunities**
N/A	**5.7.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	**Health and Well-being**
N/A	**5.8.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
✓	***In compliance with Trust Policy***
	Not in compliance with Trust Policy for the following reasons:

STAFF REPORT

File No.: GB-6500-20 (Housing Options Review Project)

DATE OF MEETING: May 11, 2017

TO: Gabriola Island Local Trust Committee

FROM: Sonja Zupanec, Island Planner
Local Planning Services

SUBJECT: Housing Options Review Project – Proposed Bylaw Nos. 292 and 293

RECOMMENDATION

1. **That the Gabriola Island Local Trust Committee Bylaw No. 293 cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2017" be amended as specified in Attachment 3 of the staff report dated May 11, 2017.**

2. **That the Gabriola Island Local Trust Committee Bylaw No. 293 cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2017" be read a first time as amended.**

3. **That the Gabriola Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and confirmed that Bylaw No. 293 cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2017" is not contrary to or at variance with the Islands Trust Policy Statement.**

4. **That the Gabriola Island Local Trust Committee request staff to schedule a Special Meeting for the purpose of a Community Information Meeting and further consideration of Proposed Bylaw Nos. 292 and 293.**

5. **That the Gabriola Island Local Trust Committee Bylaw Nos. 292 and 293 be referred to the Advisory Planning Commission for comment.**

6. **That the Gabriola Island Local Trust Committee request staff to prepare a draft Project Charter to update the Gabriola Housing Needs Assessment.**

REPORT SUMMARY

The purpose of this report is to request that the Gabriola Island Local Trust Committee (LTC) consider the above-noted recommendations. In support of the recommendations, staff are providing the following:

- First Nations and agency referral responses received to date;
- Recommended changes to Proposed Bylaw No. 293;
- A draft model restrictive covenant;
- A revised Housing Options Review Project charter to include a review of water requirements at the time of subdivision; and
- Information about the approved budget to update the Gabriola Housing Needs Assessment.

BACKGROUND

As per LTC Resolution GB-2017-022, Bylaw Nos. 292 and 293 were referred to First Nations and agencies in February 2017. Five referral responses have been received to date and are included as attachments to this staff report.

The Housing Options Review Project Charter has been amended to include a review of subdivision regulations pertaining to proof of water requirements that reflect the fractured bedrock aquifer conditions on the island.

> **GB-2017-056**
> **It was MOVED and SECONDED**
> that the Gabriola Island Local Trust Committee amend the Project Charter for Housing Options Review Project to include review of subdivision regulation water requirements.
>
> **CARRIED**

Staff have prepared amendments to Bylaw No. 293 (see Attachment 3) to address consistency with the Agricultural Land Commission (ALC) residential use policies for lands in the Agricultural Land Reserve (ALR).

> **GB-2017-015**
> **It was MOVED and SECONDED**
> that the Gabriola Island Local Trust Committee request staff to come back with draft bylaw language for the agricultural zone regulations which are consistent with section 3.1.b of the Agricultural Land Reserve Use Subdivision and Procedures regulations.
>
> **CARRIED**

A number of recommended amendments to Bylaw 293 are also detailed in this report, noted in Attachment 3.

ANALYSIS

Summary of Referral Responses

At the time of report writing one First Nation and four agency referral responses were received (Attachment 1).

First Nation/Agency	Referral Response	Next Steps
Cowichan Tribes	No comments or concerns	n/a
Island Health	Approval recommended subject to conditions (see attached letter)	Staff comments on removing the sewage system verification requirement in Bylaw 293 as detailed in this report.
Regional District of Nanaimo Building Inspection Department	Written comments regarding RDN's approach	n/a
Thetis Island Local Trust Committee	Interests unaffected by bylaws.	n/a
Gabriola Housing Society	Approval recommended subject to conditions (see attached letter)	LTC to consider amendments to Bylaw 292 (OCP) and 293 (LUB) based on the submission.
Gabriola Island Chamber of Commerce	Approval recommended subject to conditions (see attached letter)	LTC to consider amendments to Bylaw 293 (LUB) based on the submission.

Staff does not recommend further amendments to Proposed (OCP) Bylaw 292 with regards to suggested affordable housing provisions until the completion of the Housing Needs Assessment. The LTC can direct staff on any additional changes deemed appropriate for the proposed bylaws based on the referral responses.

Agriculture (AG) Zone Changes

At the February 2017 LTC meeting, staff highlighted the need for minor amendments to Proposed Bylaw 293 regarding the Agriculture (AG) zone in order to comply with the *ALR Use, Subdivision, and Procedures Regulation*. In general terms, the ALC allows for up to three residential dwellings on an ALR property in the form of:

- A principal single family dwelling;
- A secondary suite (wholly within the principal single family dwelling); and
- A secondary suite (above an existing accessory building) **OR** a manufactured home (for immediate family)- but not both.

In consultation with ALC staff, planning staff have prepared a 'tracked changes' version of Proposed Bylaw 293 (Attachment 3) to aid in identifying the necessary amendments to the AG zone to reflect the ALC residential build-out provisions on land in the ALR.

Sewage Disposal Approval

Currently, clause B.6.3.7 of Proposed Bylaw 293 stipulates that a secondary suite would need to have the approval of the local Health Authority with respect to sewage disposal. Staff recommends this requirement be removed as the Regional District of Nanaimo (RDN) Building Inspection Department has confirmed that as part of a building permit process, the RDN already requires confirmation from a Registered Onsite Wastewater Practitioner (ROWP) to confirm that an existing (or new) sewage disposal system can accommodate the new project as proposed (secondary suite; workshop; renovation etc.). This qualified professional is to comment on the existing condition of the sewage disposal system, including its capacity, as well as conduct a field inspection to verify there are no issues or concerns. If deficiencies are noted by the ROWP, the RDN will ask for issues to be rectified before issuing a building permit. Proposed clause B.6.3.7 can therefore be removed as it is considered redundant with respect to the construction of new secondary suites.

Provision of Potable Water/Groundwater Licensing

Island Health has provided a referral response indicating that under Section 7 of the BC *Health Hazard Regulation*, it is the duty of a landlord to provide potable water to their tenants for domestic purposes and that under the *Drinking Water Protection Act*, a water connection to a secondary suite is technically defined as a 'water system' subject to monitoring, etc. The RDN Building Inspection Department has confirmed that building inspection does verify the *provision* of water to a secondary suite and compliance of plumbing with the code requirements, but they do not verify the *potability* of the water nor require proof of an operator's permit for a water system. Although changes to the provincial water system requirements are anticipated in the future, staff do not recommend adding requirements for proof of potability or water system operator permits as part of Proposed Bylaw 293.

Staff have requested clarity from the Ministry of Forests, Lands and Natural Resources Operations (FLNRO), Water Protection Branch that a secondary suite on a property that is occupied and rented for domestic purposes and serviced by groundwater would not be subject to requiring a groundwater license. This confirmation is anticipated prior to a Community Information Meeting being conducted.

Secondary Suites Configuration Options

Staff have prepared an in-house 'Figure 1' for Proposed Bylaw 293 to illustrate the proposed permitted configurations for a secondary suite. The previous figure was borrowed from the RDN and was intended to be replaced before second reading.

RR1 Zone Restrictions on Accessory Cottages

The LTC has received public correspondence from a resident with a 2.1 hectare lot in the RR1 Zone (Public Correspondence Package) who is concerned that his is the only lot over 2.0 ha in the zone currently prohibited from having an accessory cottage due to the site specific RR1 zoning regulations (Figure 1). When the zone was created through Bylaw 236 in 2005 as a result of a density transfer application, the zone explicitly prohibited accessory cottages except for on one portion of the parent lot. The subsequent subdivision into 25 lots resulted in five parcels actually being 2.0 ha or larger, two of which are outside the Schedule C – Map 14 hatched area (Figure 2). The boundaries of this Schedule C map do not coincide with the subsequent subdivision layout that was approved by the Ministry of Transportation and Infrastructure resulting in Strata Lot 4 being only partially within the 'subject area' allowing accessory cottages.

The second receiver parcel for this density transfer application is currently at the subdivision application stage, with a potential for an additional 24 lots (five proposed to be 2.0 ha or larger in size). Under the current RR1 zone regulations as written, no accessory cottages would be permitted for those lots despite the fact that the OCP General Residential Policy 2.1 g) supports on accessory cottage accessory to a single-dwelling residential unit on parcels 2.0 hectares or larger.

As the intent of this project is to review the Official Community Plan (OCP) and Land Use Bylaw (LUB) with respect to expanding the accessory cottage provisions on qualifying lots based on the 2.0 hectare size limit within residential zones, staff recommends that the Schedule C Map 14 be removed from the LUB. This would allow the two existing RR1 zoned lots 2.0 hectares or larger to be permitted a secondary suite (Figure 3) and would not increase the number of parcels permitted in the RR1 zone. Removal of this map schedule and reference to it in the RR1 zone would also mean that if the subdivision proceeds on the receiving lands as presented, an additional six lots would be permitted a secondary suite under the proposed regulations.

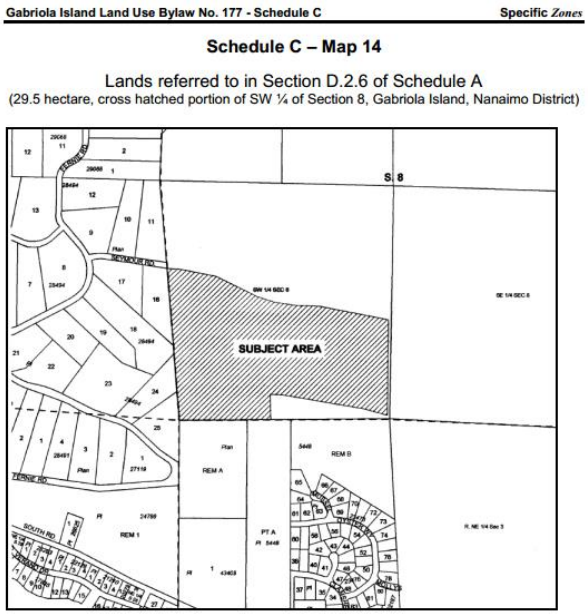
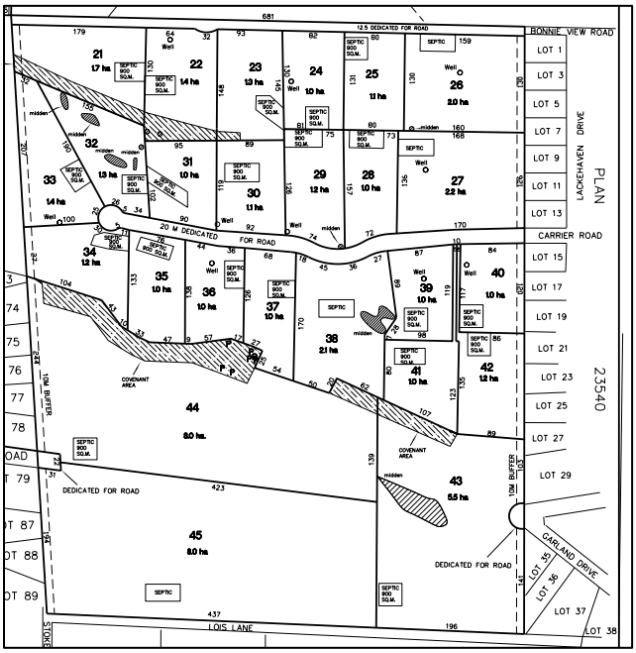


Figure 1. LUB Excerpt – Schedule C – Map 14

23 ha remainder lot and 2.1 ha lot in the RR1 zone not currently permitted an 'accessory cottage'

Figure 2. Existing subdivision layout within RR1 zone.



51 ha lot proposed to be subdivided in the RR1 zone into a maximum of 24 lots with a minimum lot size of 1 ha and minimum average lot size of 2.3 ha. Under the 2005 subdivision layout proposal, six lots were to be 2.0 ha or larger.

Figure 3. Proposed Subdivision Layout for second receiver parcel in 2005.

Model Draft Restrictive Covenant

Proposed Bylaw 293 subsection B.6.3.10 currently states that a secondary suite shall not be permitted on a lot unless the owner of the lot has registered a restrictive covenant under Section 219 of the *Land Title Act* in favour of the Gabriola Island Local Trust Committee: a) prohibiting the registration of a strata plan under the *Strata Property Act* or *Land Title Act* which would result in the secondary suite being a separate real estate entity; and b) for lots outside the ALR, limiting the number of dwellings permitted on the lot to two, including the principal dwelling. A model draft restrictive covenant has been prepared for LTC review by the Islands Trust solicitor (to be distributed at the May 11, 2017 meeting). The standardized covenant is intended to be available for use by any owner seeking compliance with the Land Use Bylaw (LUB) regulation and RDN building permit requirements. It also provides a public benefit in terms of reducing the legal costs associated with the covenant registration process.

The LTC has received referral responses from the Housing Society and the Chamber of Commerce questioning the legality of the Proposed Bylaw 293 prohibiting building strata conversions of secondary suites. The Gabriola Island LTC has the authority to prohibit the registration of building strata subdivision plans through a section 219 restrictive covenant registered on title. The OCP does not support building strata conversions. Local governments such as the Cowichan Valley Regional District also use the restrictive covenant provision to protect the intent of a secondary suite (accessory cottage) to be maintained as accessory to a principal use and not converted to a separate real estate entity through subdivision. If the LTC wishes to address smaller parcel sizes through subdivision as part of the efforts for addressing housing options in the Housing Option Review Project Phase 2, staff suggest a review of the minimum lot size, density provisions and other tools after the completion of a housing needs assessment before allowing any further building strata subdivisions of secondary suites on Gabriola Island.

Proof of Water Requirements for Subdivision

Staff have updated the Housing Options Review Project Charter to reflect the LTC resolution noted above regarding expanding the scope of the project to include proof of water requirements at the time of subdivision. It is anticipated that as staff time permits, a separate draft bylaw to amend the LUB will be presented to the LTC for consideration by fall 2017.

Housing Needs Assessment Budget

The Islands Trust Council recently approved a $5,000 budget for an update to the Gabriola Housing Needs Assessment. Although this was considered out of scope for this phase of the 'Housing Options Review Project', staff recommend a separate project charter be prepared for LTC endorsement in order to commence work on this project as soon as possible.

Islands Trust Policy Statement

The recommended amendments to Proposed Bylaw No. 293 has been reviewed for compliance with the Islands Trust Policy Statement Checklist and are deemed by planning staff to be consistent. The LTC is asked to formally confirm by resolution that Bylaw No. 293 is consistent with the Islands Trust Policy Statement.

CONSULTATION

Community Information Meeting

If the LTC concurs with staff recommendations in this report, a Community Information Meeting prior to consideration of second reading is can be held to clarify to residents and property owners the status of the proposed bylaws and solicit further input. This can occur through a special meeting of the Local Trust Committee.

Referral to the Advisory Planning Commission

The LTC will be considering new appointments to the Advisory Planning Commission (APC) as all previous terms have expired. Staff recommend Proposed Bylaws 292 and 293 be referred to the newly appointed APC for comment.

Rationale for Recommendation

Proposed Bylaw No. 293 (LUB) includes the provisions endorsed by the LTC via resolution on February 9, 2017 and several additional improvements. Staff supports the recommendations included on Page 1 of the report in order to proceed to a community information meeting and for LTC consideration of second reading.

ALTERNATIVES

1. **Request further information from staff.**
2. **Make additional changes to the bylaws based on the recommendations of referral agency responses and/or public input.**

NEXT STEPS

If the LTC concurs with the recommended amendments to Proposed Bylaw 293, staff recommends the LTC holds a Community Information Meeting on the Proposed Bylaws prior to consideration of second reading.

Submitted By:	Sonja Zupanec, MCIP, RPP Island Planner	April 28, 2017
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	May 3, 2017

ATTACHMENTS

1. Agency and First Nation Referral Response package received as of April 27, 2017
2. Proposed Bylaw No. 292
3. Proposed Bylaw No. 293 tracked changes
4. Draft model restrictive covenant – *attached*
5. Revised Housing Options Review Project Charter

BYLAW REFERRAL FORM
RESPONSE SUMMARY

☐ **Approval Recommended for Reason(s) Outlined Below**

☒ **Approval Recommended Subject to Condition(s) Outlined Below**

☐ **Interests Unaffected by Bylaw**

☐ **Approval Not Recommended Due to Reason(s) Outlined Below**

See detailed comments. We cannot support the proposal for a restrictive covenant and belief that such a requirement may be illegal.

Gabriola Island Local Trust Area – Gabriola Island (Island)	**Bylaw Nos.: 292 (OCP Amendment) and 293 (LUB Amendment)** (Bylaw Number)
(Signature)	President (Title)
April 21, 2017 (Date)	Gabriola Island Chamber of Commerce (Agency)

PLEASE TURN OVER →

CHAMBER of COMMERCE
GABRIOLA ISLAND

April 21, 2017

Local Trust Committee (LTC) for Gabriola
Islands Trust North Office
700 North Road
Gabriola Island V0R 1X1

Re: Referral of Proposed Bylaw Changes for Secondary Suites

Dear Trustees,

The Gabriola Chamber of Commerce is generally in favour of the proposed bylaw changes for secondary suites, except that we are totally opposed to the requirement that a restrictive covenant be placed on title in return for permission to build a secondary suite. We consider the covenant requirement to be an over-reach of trust jurisdiction that is very ill-considered and quite possibly illegal.

Your referral form and our detailed comments are attached. Below are some more general comments on the housing situation and the proposed changes to the rules regarding secondary suites.

The Gabriola Island Chamber of Commerce (GICC) has surveyed its membership extensively about housing needs for their employees. During our Economic Readiness Study (2016), the lack of attainable housing was cited as the greatest challenge businesses face, with 52% of businesses surveyed struggling to find suitable staff. This issue is seriously undermining the vitality of the business community on Gabriola, and it is also seriously influencing the demographic profile of the island as many young people are forced to move off island for lack of suitable housing.

To date, our feedback about housing challenges has been anecdotal in terms of individuals affected. However, The Haven has shared with us (and given us permission to share publically) the housing survey that they recently conducted amongst their 34 employees, with 29 responding (85%). The results, roughly evenly split between renters and owners, are instructive and demonstrative of the problem. We have attached their results for your information to provide some hard data relating to this problem. One interesting statistic is that 48% of respondents have considered moving off Gabriola in the last three years due to the difficulty of finding somewhere to live. Our community cannot afford the loss of these generally younger people.

Therefore, given the severity of the current housing crisis on Gabriola, the GICC strongly supports the intent of these bylaw changes. They are a small step in the direction of making more housing available on Gabriola. More housing means more jobs for young people and more robust local businesses. Having said that, these measures address only large lots that are out of the range of attainable housing for most people, and therefore these measures are a drop in the bucket.

We hope that the next Local Trust Committee (LTC) will tackle the big elephant in the room – namely the absolute limit on densities on the island. We believe strongly that steps need to be

taken urgently to increase the number of densities near the Village Core to stimulate investment possibilities leading to reasonably priced housing – both attainable and Affordable. The housing crisis is a BC-wide crisis. We have the power to change our restrictive legislation if the Trustees and the Gabriola Community are willing to tackle the issues.

The current Trustees do not have time to tackle the bigger problem in their remaining time this term. However, they could frame the problem clearly for discussion during the next election. The housing crisis and how to meet it and the question of density limits are hot political topics on Gabriola, and they need to be discussed openly and constructively.

The proposed move towards more secondary suites being allowed will make it easier for people to qualify for mortgages (but only if the secondary suite is in the same building). Secondary suites (whether contained in the primary dwelling or not) will most likely be used as rental accommodation, which we all agree is badly needed. But why eliminate the possibility of more reasonably priced ownership options with the ban on strata titles? There is a great opportunity to create a truly viable option for someone buying an acreage with the idea of building both a primary residence and a secondary
residence and having both strata titled at the time of construction. This could provide
under the right conditions a moderately priced homes, not for rental but rather for ownership.

The Chamber is very opposed philosophically to the proposal to require covenants on properties whose owners apply to have legal secondary suites. The proposed covenants would require the landowner to give up the right *in perpetuity* to convert their property into strata ownership and more density. When rules are different in the future and strata titles might be desirable and more density may be allowed, they could not recover their loss. This situation will mean that very few people will take up the opportunity to build secondary suites under the proposed rules because they are being asked to forever forfeit property rights. In short, the covenant proposal will kill the likelihood of any secondary suites being constructed under these rules, making the whole effort, as proposed, essentially moot and a waste of time.

Local government only has the power to regulate strata conversion of preciously occupied buildings according the Strata Property Act of BC. Section 242 (2) of that Act reads: *If a person applying to deposit a strata plan wishes to include in the strata plan a previously occupied building, the person must submit the proposed strata plan to the approving authority.* All other strata plans are approved by an approving officer in the Land Title office, not the local government. As we understand it, the LTC does not have the power to approve or disapprove bare land strata applications or strata applications related newly constructed, but unoccupied buildings.

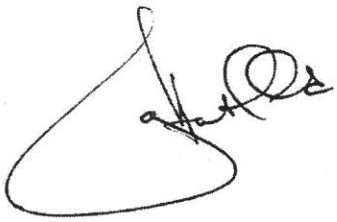
We believe that the proposed covenant requirement, as written, may be illegal because it extends the power of the local governing body (the Islands Trust) beyond the approval of previously occupied buildings. In effect, the proposed change to the Land Use Bylaw is an end-run around the limitations imposed by the Strata Property Act of BC.

We understand that the rationale for the proposed covenants is to increase the supply of rental accommodation over ownership by preventing separate titles. We fundamentally disagree with

this intent. We recommend in the strongest possible terms that the LTC drop the requirement for a covenant before granting applications for secondary suites. We believe that our OCP and LUB should support the objective of attainable home ownership as much as attainable rental housing.

So, in summary, if the covenant proposal is removed, then we support the proposed changes, subject to our detailed comments, as attached. If the covenant proposal remains, we are unenthusiastic about the proposed changes because they will be ineffective and not lead to any meaningful change in the housing supply

Sincerely.



Gloria Hatfield
President
Gabriola Island Chamber of Commerce

Attachments:

1. Haven survey of employees on housing
2. Detailed comments on proposed changes.
3. Bylaw referral form

Detailed Comments on Bylaw Changes for Secondary Suites

Our comments on the proposed changes to the LUB are:

B.6.3.2: This clause states that there is a maximum of one secondary suite per lot. *For clarity, there needs to be an exception noted for AG land, which can have one contained secondary suite and one additional secondary suite above an existing building if the property has farm status (Agricultural Land Commission (ALC) Policy L-08, dated October 2016).*

B.6.3.8: This clause states that a secondary suite within an accessory building must not contain interior access to any part if the accessory building and must have an exterior access. *We agree with the requirement for exterior access. We question the restriction on the prohibition of interior access as there is no clear rationale for such a prohibition. Therefore, we see this part of the clause as unnecessary regulation.*

B.6.3.10 This clause requires the covenant discussed in our covering letter. Clause b. states that for lots outside of the ALR, there shall be a maximum of two dwellings permitted. *We are strongly opposed to the inclusion of this provision at all. If it is included, clause b, is redundant as this limit is clear from the other parts of section B.6.3.*

2.14 Part D – Zones D.2 RESOURCE Zones, Subsection D.2.1. This section is a summary of regulations for land within the Agricultural Land Reserve (ALR). We believe that the intent is to make the local regulation consistent with the ALC regulations. As the planner acknowledged in the last LTC meeting, this paragraph does not accurately reflect the ALC regulations summarized in ALC Policy L-08. *The GICC recommends that any proposed changes be consistent with the regulations of the ALC to avoid confusion.*

2.26 Part G. DEFINITIONS Section G.1 DEFINITIONS. Changes the definition of *"dwelling – multiple family"* from two to three dwelling units. We agree with this change for lots of area greater than 5 acres. However, as written, it applies to all lots. What constitutes multi-family dwelling on a lot less than 5 acres? Must it now be as many as 3 units? Is that the intent?

Why not leave the definition level at 2 units for lots less than 5 acres?

Our comments on the proposed changes to the OCP are:

Section 2.1 Section 2 – General Land Use and Residential Development, Section 2.1 – Residential Land Use, General Use Policies, Clause j:
Proposal to change the wording of the OCP from "The Plan does not permit the strata conversion of existing buildings," by changing the word "permit" to "support". As stated in our cover letter, we believe that this statement is philosophically incorrect for Gabriola in 2017 – it was based upon the land use situation of 20 years ago and times have changed. The OCP should support attainable home ownership as well as attainable rental housing. Strata title conversion of secondary suites would allow division of properties into smaller and less expensive real estate entities that would be more attainable for people with limited financial resources.

Should this clause remain, then it should be modified to read "The Plan does not support the strata conversion of previously occupied buildings," to be in line with the powers of local government under the Strata Property Act of BC.

BYLAW REFERRAL FORM
RESPONSE SUMMARY

☐ **Approval Recommended for Reason(s) Outlined Below**

☒ **Approval Recommended Subject to Condition(s) Outlined Below**

☐ **Interests Unaffected by Bylaw**

☐ **Approval Not Recommended Due to Reason(s) Outlined Below**

See attached letter.

Gabriola Island Local Trust Area – Gabriola Island
(Island)

N. Hetherington for Peirce
(Signature)

April 21, 2017
(Date)

Bylaw Nos.: 292 (OCP Amendment) and 293 (LUB Amendment)
(Bylaw Number)

Chair, Board of Directors
(Title)

Gabriola Housing Society
(Agency)

April 21, 2017

To: Gabriola Island Local Trust Committee

From: Board of Directors, Gabriola Housing Society

Re: **Bylaw Referral Form for Proposed Bylaws 292 and 293**

Response Summary: Approval Recommended Subject to Conditions Outlined Below

This letter is attached to the Bylaw Referral Form submitted by the Board of Directors of the Gabriola Housing Society (GHS), as the explanation of the above response from the Board.

CONTEXT FOR THE RESPONSE OF THE GHS BOARD

1. The mandate of the Gabriola Housing Society (incorporated January 2013) is to provide access to residential accommodation on Gabriola Island for people with low to moderate incomes.
    a. Includes both rental and ownership accommodation
    b. Includes the range of low to moderate incomes

2. In the Board's understanding, the *Strata Property Act* (Sections 241-43) governs which approvals are required for which categories of strata plans.
    a. Bare Land Strata Plan: No approval is required from a Local Trust Committee (LTC); an "approving officer" must approve the requested plan
    b. Building Strata Plan
        i. Previously-unoccupied existing buildings: No approval is required from a LTC; a BC land surveyor must certify the building is previously unoccupied
        ii. Previously-occupied existing buildings: Approval is required from an "approving authority" (for Gabriola: the Gabriola Island Local Trust Committee)

3. The *Strata Property Act* (Section 242) states the criteria that the "approving authority" must address in making their decision regarding approval of a strata plan for previously-occupied buildings. In the opinion of the GHS Board, pertinent criteria are:
    a. The approving authority must ensure that the building substantially complies with the local bylaws (Sec. 243.5.a)
    b. The approving authority must consider the priority of rental housing over ownership housing in their area of authority (Sec. 243.6.a)

4. The definition used by the Regional District of Nanaimo for "affordable housing" is as follows:
    "Housing is considered to be "affordable" when it costs less than 30% of before-tax household income. Housing is not affordable when it costs so much that individuals and families have trouble paying for other necessities such as food, health and transportation. For renters, shelter costs include rent and any payments for electricity, fuel, water and other municipal services. For owners, shelter costs include mortgage payments (principal and interest), property taxes, and any condominium fees, along with payments for electricity, fuel, water and other municipal services (Canada Housing and Mortgage Corporation)."
    (http://www.rdn.bc.ca/cms.asp?wpID=2882)

CONDITIONS FOR RECOMMENDED APPROVAL BY THE GHS BOARD

A. CONDITIONS IN PROPOSED BYLAW 292 TO AMEND THE OFFICIAL COMMUNITY PLAN (OCP)

Numbers below are those in the proposed Bylaw 292

2.1: Section 2 – General Land Use & Residential Development, Section 2.0 General Land Use, General Land Use Policies, Clause j): *"The Plan does not permit the strata conversion of existing buildings."*

Condition: Delete in its entirety

Reason: (See Context #1, 2, 3)

- The GHS mandate includes both rental and ownership accommodation for people with low to moderate incomes. Therefore, the GHS supports the option of Building Strata Plans for ownership opportunities for people with low to moderate incomes.
- The LTC as an "approving authority" only has authority for Building Strata Plans that include previously-occupied buildings. In the Board's opinion, the Strata Property Act provides ample direction for the decision of the LTC in these cases. Thus a statement in the OCP is redundant.

2.6: Section 2 – General Land Use and Residential Development, Section 2.6 Single-Family Affordable Housing, Single-Dwelling Affordable Housing Policies, Clause a):

Condition: After the word "providing" replace remaining words with "for diversity in housing options and affordability."

Reason:

- So that the wording for the rationale in this Policies part is consistent with the proposed new wording in the Background part of Section 2.6 (as stated in proposed amendment 2.3).

2.8: Appendix 1 – Definitions:

- First condition: Also delete the term "family" and its definition

Reason:

- Definitions are being removed from the OCP if they are in the Definitions of the Land Use Bylaw
- The Land Use Bylaw's Definitions includes "single family"; the Board supports the definition.

- Second condition: Amend definition of "Affordable Housing" by removing the words "60% of".

Reason: (See Context #1, 4)

- The current definition focuses on people with low incomes (i.e. 60% of the median Gabriola income). The current definition for Affordable Housing was established in 2011. At that time, the major focus of affordable housing on Gabriola was on people with low incomes.
- During the past five years, the importance of providing diversity of housing options and affordability for a broader range of the island's population has become increasingly acknowledged by island residents and organizations. When the GHS was incorporated in 2013, it chose a mandate that reflects this more current situation.
- Retaining "the median household income for Gabriola Island" is important in order to ensure the definition focuses on people with moderate to low incomes living on Gabriola Island.
- CMHC's definition of housing cost as "30% of before-tax household income" is widely accepted.

Condition - Add another Amendment as 2.10 that states the specific four amendments below: Section 2 – General Land Use and Residential Development, Section 2.4 Multi-Dwelling Affordable Housing: Background:

- Amendment: Change the first sentence to read as follows (italics show amendment words): "In recognition of the desirability of encouraging Gabriola Residents to continue living in the Planning Area, provision is made for Multi-Dwelling Affordable Housing opportunities *as a means of addressing the island's need for diversity in housing options and affordability."*
Reason:

- In order to have consistent rationale in 2.4 Background and 2.6 Background: *"... need for diversity in housing options and affordability."*

- Amendment: Change "low income" to "low to moderate income"
Reason:

- GHS mandate includes people with low to moderate incomes

- Amendment: Remove paragraph that begins "Affordable housing means"
Reason:

- Definition is already in the Definitions section at end of the OCP document

- Amendment: In every instance that "low income" appears, change to "low to moderate income"

B. CONDITIONS IN PROPOSED BYLAW 293 TO AMEND THE LAND USE BYLAW (LUB)

2.7: Part B –GENERAL REGULATIONS, Section B.6 MISCELLANEOUS, Subsection B.6.3 Commercial Vacation Rentals is deleted in its entirety and replaced with the following: B.6.3 Secondary Suite Regulations

- Condition: Change the proposed new B.6.3.2 by adding the following words at the end of the sentence: "except for lots in the Agricultural Land Reserve."
Reason:

- According to current Agricultural Land Commission regulations, a second secondary suite over a detached building is permitted (as an alternative to a manufactured home) on lots that have certified "farm status" with the provincial government.

- Condition: Remove the proposed new B.6.3.10 in its entirety
Reasons: (Context #1, 2, 3)

- Part a: For the same reasons as for the Board's recommendation regarding Bylaw 292, #2.1
- Part b: This part appears to be redundant, given the proposed new B.6.3.2.

Condition: Add another Amendment to Bylaw 293 as #2.29 that states: Part G – DEFINITIONS, "single family" is amended by deleting the word "single"
Reason:

- To have consistent wording in both the OCP (e.g. Section 2.4) and the LUB

Thank-you for your attention to this referral response from the Board of the Gabriola Housing Society.

Nancy Hetherington Peirce, Board Chair, on behalf of the Board of Directors
(nhpeirce@gmail.com)

BYLAW REFERRAL FORM
RESPONSE SUMMARY

☐ **Approval Recommended for Reason(s) Outlined Below**

☒ **Approval Recommended Subject to Condition(s) Outlined Below**

☐ **Interests Unaffected by Bylaw**

☐ **Approval Not Recommended Due to Reason(s) Outlined Below**

See attached letter dated March 29, 2017

Gabriola Island Local Trust Area – Gabriola Island
(Island)

(Signature)

March 29, 2017
(Date)

Bylaw Nos.: 292 (OCP Amendment) and 293 (LUB Amendment)
(Bylaw Number)

Environmental Health Offic
(Title)

Island Health
(Agency)

RECEIVED
APR 03 2017
ISLAND TRUST
LOCAL TRUST OFFICE

March 29, 2017

Sonja Zupanec
Island Planner
Islands Trust
700 North Rd
Gabriola Island, BC V0R 1X3

Dear Ms. Zupanec:

RE: Bylaw No. 292/293 Referral

Thank you for the opportunity to comment on the Gabriola Island Local Trust Committee Bylaw No. 292/293.

Secondary dwellings are supported as part of a healthy built environment. Secondary dwellings provide the community with increased affordable housing options which may have a multitude of increased health benefits (i.e. allowing people greater disposable income to buy necessities such as healthy food or medications). In addition, permitting secondary dwellings can assist families with facilitating "aging in place" such that either aging family members may be able to reside with their family, or conversely allowing seniors to bring in a tenant to offset costs or even a live-in home care provider. Another benefit of this allowance will ensure suites are built to Building Code requirements rather than the installation of illegal substandard housing.

Island Health recommends approval to the bylaw subject to the two conditions listed below as they ensure a safe and healthy environment for secondary dwellings:

1. As per Section 7 of the Health Hazard Regulation it is the duty of a landlord to provide potable water to his/her tenant for domestic purposes.
2. Increases to living space may impact properties serviced by septic systems; therefore, sewerage systems must be adequately sized and designed and may require an assessment or upgrading by an Authorized Person as per the Sewerage System Regulation.

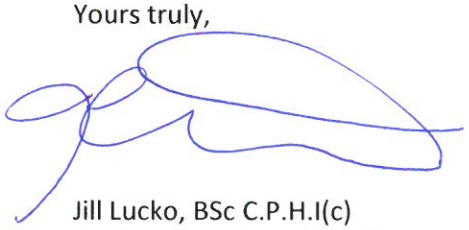
Health Protection and Environmental Services
3rd Floor – 6475 Metral Drive | Nanaimo, BC V9T 2L9 Canada
Tel: 250-755-6215 | Fax: 250-755-3372
viha.ca

I would also like to highlight a few definitions under the *Drinking Water Protection Act* (the "Act"). A water supply system is defined as one that supplies water for domestic purposes to anything other than a single-family residence (i.e. secondary suites, commercial bakery in attached building, etc.). This Act and its Regulation require that water supply systems hold a valid Operating Permit and place an extensive list of roles and responsibilities on the owner/operator (see attached handout for a brief overview of water supplier obligations). The Act in its entirety can be found at:

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_01009_01)

Thank you again for forwarding the above bylaw for comment to our department. I am happy to discuss our commentary further at your convenience, if you would like to. You can contact me at 250.755.6215.

Yours truly,



Jill Lucko, BSc C.P.H.I(c)
Environmental Health Officer

JL/nb

Sonja, For your info, this is what is required of water suppliers (ie anything other than a single family home).
Yours, Jill

island health

What is a water supplier required to do?

The following is an Excerpt from Drinking Water Officers Guide, part A, 2014 (pp20-25), available in its entirety at http://www.health.gov.bc.ca/protect/pdf/dwog-part-a.pdf

The following comments provide a basic summary of the obligations imposed on water suppliers by the Act and Regulation. References are made to the relevant sections of the Act and Regulation, and these sections should be consulted to determine the specific nature and extent of obligations imposed.

It should be noted that, in some cases, the relevant sections of the Act impose requirements only on "prescribed" water supply systems, meaning those specified as such in the Regulation. The Regulation provides (in section 4) that all water supply systems are prescribed as being covered by the requirements of sections 8, 10 11 and 22(1)(b) of the Act, and all systems except "small systems" are prescribed for the purposes of section 9 of the act.

Potable water

Generally speaking, all water suppliers must supply water which is potable and meets any requirements set out in the operating permit or regulations. "Potable" is defined in section 1 to mean "(a) meets the standards prescribed by regulations, and (b) safe to drink and fit for domestic purposes without further treatment".

The Regulation also requires all surface water to be "disinfected". Unlike the former *Safe Drinking Water Regulation* under the *Health Act*, there is no discretion to exempt people from this requirement. (See Act, section 1 and 6, Regulation, section 5)

Exception: "small systems" are not required to meet the potability requirements if the system does not provide water for human consumption or food preparation and is not connected to a system that does, or if each recipient of water from the system has a point of entry or point of use treatment system[21] that makes the water potable. (See Act section 1 and 6 and Regulation section 1 and 3.1)

Construction permits

Persons may only construct a water supply system if they obtain a construction permit in advance. (See Act section 7 and Regulation section 6)

Exception: for "small systems" the requirement for a construction permit may be waived by an issuing official (Regulation section 6(3) (c))

26

Operating permits

Water suppliers must not operate a water supply system without an operating permit and must comply with the terms and conditions of the permit. (See Act section 8 and Regulation section 7)

Operator Training

Persons must not operate a water supply system unless they meet the operator training certification requirements set out in the regulations. (See Act section 9, Regulation section 12)

Exception: "small systems" are not required to meet any operator training certification requirements unless their operating permit so specifies.

Emergency response plans

Water suppliers must have written emergency response and contingency plans (See Act section 10, Regulation section 13)

Monitoring

Water suppliers must engage in sample monitoring as required by the regulations, operating permit and directions of a drinking water officer (See Act section 11, Regulation section 8). This includes monitoring for total coliform and, effective April 1, 2006, *Escherichia coli*.

Laboratory reports

Laboratories must immediately report to water suppliers, the drinking water officer and the medical health officer if test results respecting *E*-coli and fecal coliform do not meet specified standards. Laboratories must also advise drinking water officers of other information if the drinking water officer so requests. Water suppliers must immediately advise the drinking water officer that they have been notified by the labs in such cases. (See Act section 12, Regulation section 9)

Notifying drinking water officer

Water suppliers must immediately notify the drinking water of threats officer of other threats to drinking water if they become aware of them. (See Act, section 13)

Public notice of threats

Water suppliers must provide public notice of threats to drinking water if requested by a drinking water officer. (See Act section 14, Regulation section 10) Also, if a laboratory advises that an immediate reporting requirement exists, or the supplier is otherwise aware of a potential drinking water health hazard, and the drinking water officer cannot be immediately contacted, the water supplier must notify the users of the water supply system immediately, in accordance with emergency response and contingency plans. In this case, no request or order from a drinking water officer is required. (See Act section 14, Regulation section 10)

Publication of other information

Water suppliers are required to make various other types of information public in accordance with the regulations and requirements of the drinking water officer. This includes information regarding emergency response plans and contingency plans, an annual report of monitoring[23], and information concerning assessments. (See Act section 15, Regulation section 11).

Flood-proofing of wells

Owners and operators of wells must flood proof them if required by the regulations.[24] (See Act section 16, Regulation section 14)

Assessments

Water suppliers must conduct water source and system assessments of water supply systems, if required by the regulations or a drinking water officer (See Act section 19) and must address cross connections if required to do in an assessment response plan.

Drinking Water Protection Plan

If directed by a drinking water officer, a water supplier is required to participate in the development of a drinking water protection plan. (See Act section 33(1)(a)).

Other

In various other circumstances, drinking water officers have the ability to make requests or orders and impose requirements on water suppliers under the Act. Water suppliers must comply with those requests, orders and requirements.

From: Schaefer, Jerry [mailto:JSchaefer@rdn.bc.ca]
Sent: Tuesday, May 02, 2017 2:52 PM
To: Gabriola Planner
Subject: RE: Bylaw Referral - Gabriola Island Local Trust Committee BL292 (OCP) and 293 (LUB) Secondary Suites - RDN Building

Sonja,
It all looks good, but I have just one comment. The RDN recognized a need to clarify that the limit to 90 sq. m. for secondary suites in accessory buildings applies to the total floor area of the building. This means ALL stories. This arose from experience our manager of Planning at the time had in another RD where they brought in secondary suite regulations. The problem was that people were getting permits for a suite in the upper storey of a detached garage. After obtaining Occupancy, the property owners were converting the lower portion to add to the suite. This effectively resulted in numerous huge second dwellings on properties where the vision was for modest "in-law- type" suites.
So in the RDN, it is very difficult (if not effectively impossible) to build a secondary suite in a two-storey accessory building. Also, because of the differing height restrictions for accessory buildings as compared to the principal use building in some zones, the RD addresses height restrictions for accessory buildings containing suites independently: in RS zones, where acc'y buildings are limited to 6m, they are permitted to be 8m (same as principal use building), but in RU zones, where all buildings are permitted to be 9m, the acc'y building containing a suite is limited to 8m. I'm not really sure what the rationale was for this and I think that the acc'y buildings in RS zones should be limited to 6m as other acc'y buildings in those zones.

Cheers

Jerry Schaefer, RBO
Building Inspection Supervisor
Regional District of Nanaimo
Ph. 250 390-6537
Fax 250 390-6513

BYLAW REFERRAL FORM
RESPONSE SUMMARY

☐ **Approval Recommended for Reason(s) Outlined Below**

☐ **Approval Recommended Subject to Condition(s) Outlined Below**

☑ **Interests Unaffected by Bylaw**

☐ **Approval Not Recommended Due to Reason(s) Outlined Below**

Gabriola Island Local Trust Area – Gabriola Island	**Bylaw Nos.: 292 (OCP Amendment) and 293 (LUB Amendment)**
(Island)	(Bylaw Number)
M. Eggen	Island Planner
(Signature)	(Title)
April 18, 2017	Thetis Local Trust Committee
(Date)	(Agency)

PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 292

A BYLAW TO AMEND GABRIOLA ISLAND OFFICIAL COMMUNITY PLAN, 1997

The Gabriola Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Gabriola Island Local Trust Area under the *Islands Trust Act,* enacts as follows:

1. Citation

   This bylaw may be cited for all purposes as "Gabriola Island Official Community Plan (Gabriola), 1997, Amendment No. 1, 2017".

2. Gabriola Island Local Trust Committee Bylaw No. 166, cited as "Gabriola Island Official Community Plan (Gabriola), 1997" Schedule "A" is amended as follows:

   2.1 Section 2. – General Land Use and Residential Development, Section 2.0 General Land Use, General Land Use Policies, Clause j) is amended by deleting the word "permit" and replacing it with the word "support".

   2.2 Section 2. – General Land Use and Residential Development, Section 2.1 – Residential Land Use, General Residential Policies, Clause g) is deleted in its entirety and replaced with:

   "g) On parcels 2.0 hectares (4.94 acres) or larger, one secondary suite shall be permitted per parcel, accessory to a principal single family dwelling."

   2.3 Section 2. – General Land Use and Residential Development, Section 2.6 Single-family Affordable Housing, Background is deleted in its entirety and replaced with:

   "<u>Background:</u> A community plan is intended to contain a statement concerning the provision of affordable housing in the community. Currently on Gabriola, the allowance of secondary suites on parcels 2.0 hectares or larger, is considered a means of addressing the islands' need for diversity in housing options and affordability."

   2.4 Section 2. – General Land Use and Residential Development, Section 2.6 Single-family Affordable Housing, Single-dwelling Affordable Housing Objectives is amended by deleting the words "Single-dwelling".

   2.5 Section 2. – General Land Use and Residential Development, Section 2.6 Single-family Affordable Housing, Single-dwelling Affordable Housing Policies is amended by deleting the words "Single-dwelling".

   2.6 Section 2. – General Land Use and Residential Development, Section 2.6 Single-family Affordable Housing, Single-dwelling Affordable Housing Policies', Clause a) is deleted in its entirety and replaced with:

"a) Provision for a secondary suite on a parcel 2.0 hectares or larger (as per policy 2.1 g) shall be recognized as a means of providing for affordable housing in a rural, low density context."

2.7 Section 2. – General Land Use and Residential Development, Section 2.7 Home Occupational Use, Home Occupational Policies, Clause b, Item i, is deleted in its entirety and replaced with:

"i the use is accessory to a dwelling unit on a parcel;"

2.8 Appendix 1 - Definitions is amended by deleting the following terms and the associated definitions:

"accessory"	"Accessory cottage"	
"bed and breakfast accommodation"	"boarder"	"building"
"dwelling unit"	"home occupation"	"horticulture"
"industry"	"principal"	"public park"
"public utility"	"residence"	"school"
"single-dwelling"	"structure"	"tourist accommodation"
"tourist accommodation unit"		

2.9 Appendix 1 – Definitions is amended by deleting the word "means" from the beginning of each definition.

READ A FIRST TIME THIS 9TH DAY OF FEBRUARY ,2017

PUBLIC HEARING HELD THIS _____ DAY OF _____ 201X

READ A SECOND TIME THIS _____ DAY OF _____ 201X

READ A THIRD TIME THIS _____ DAY OF _____ 201X

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS _____ DAY OF _____ 201X

ADOPTED THIS _____ DAY OF _____ 201X

Chair **Secretary**

PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 293 – Attachment 3 Track Changes

A BYLAW TO AMEND GABRIOLA ISLAND LAND USE BYLAW, 1999

The Gabriola Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Gabriola Island Local Trust Area under the *Islands Trust Act,* enacts as follows:

1. Citation:

   This bylaw may be cited for all purposes as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2017".

2. Gabriola Island Local Trust Committee Bylaw No. 177, cited as "Gabriola Island Land Use Bylaw, 1999, " is amended as shown on Schedule 1, attached to and forming part of this bylaw:

READ A FIRST TIME THIS	9TH	DAY OF	FEBRUARY	,2017
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	,201X
READ A SECOND TIME THIS	_____	DAY OF	_____	,201x
READ A THIRD TIME THIS	_____	DAY OF	_____	,201X
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS				
	_____	DAY OF	_____	,201X
ADOPTED THIS	_____	DAY OF	_____	,201X

Chair **Secretary**

Gabriola Island Local Trust Committee

Bylaw No. 293

Schedule 1

Schedule "A" of Gabriola Island Land Use Bylaw No. 177 cited as "Gabriola Island Land Use Bylaw, 1999 is amended as follows:

2.1 Part B – GENERAL REGULATIONS, Section B.1 USES, BUILDINGS AND STRUCTURES, Subsection B.1.2 Prohibited Uses and Buildings, Article B.1.2.1 Prohibited Uses, Clause a. is amended by deleting the words "an accessory cottage" and replacing it with the words "a secondary suite".

2.2 Part B – GENERAL REGULATIONS, Section B.1 USES, BUILDINGS AND STRUCTURES, Subsection B.1.2 Prohibited Uses and Buildings, Article B.1.2.3 Additional Dwellings, Clause a. text is deleted in its entirety and replaced with:

"The construction, placement, or use of more than one dwelling unit on a lot is prohibited, unless specifically permitted in the zone."

2.3 Part B – GENERAL REGULATIONS, Section B.1 USES, BUILDINGS AND STRUCTURES, Subsection B.1.2 Prohibited Uses and Buildings, Article B.1.2.3 Additional Dwellings, Clause b. is deleted in its entirety.

2.4 Part B – GENERAL REGULATIONS, Section B.3 Home Occupations, Subsection B.3.3 General Provisions, Article B.3.3.1, Clause a. is amended by deleting the word "principal".

2.5 Part B – GENERAL REGULATIONS, Section B.3 Home Occupations, Subsection B.3.3 General Provisions, Article B.3.3.1, Clause b. is deleted in its entirety and replaced with:

"Home occupations must be entirely enclosed within a dwelling and/or an accessory building, providing the combined total floor area for home occupation uses on a lot do not exceed 95 square metres (1,023 square feet), except on lots greater than 2.0 hectares (4.95 acres), where the total combined floor area of home occupation uses may not exceed 150 square metres (1,615 square feet)."

2.6 Part B – GENERAL REGULATIONS, Section B.5 PARKING, Subsection B.5.1 Minimum Number of Parking Spaces for Automobiles and Bicycles, Article B.5.1.1, Table 2: Parking Requirements is amended by replacing the word "cottage" with "secondary suite".

2.7 Part B – GENERAL REGULATIONS, Section B.6 MISCELLANEOUS, Subsection B.6.3 Commercial Vacation Rentals is deleted in its entirety and replaced with the following:

"**B.6.3 Secondary Suite Regulations**

Secondary Suites are subject to the following requirements:

B.6.3.1 Secondary suites are a permitted accessory use in the SRR, LRR, F, R, RR1, AG zones on lots 2.0 hectares (4.94 acres) or larger;

B.6.3.2 On land outside the Agriculture Land Reserve Aa maximum of one (1) secondary suite is permitted per lot in a configuration consistent with Figure 1;

B.6.3.3 The maximum permitted floor area for a secondary suite located wholly within or attached to a single family dwelling is 90 square metres (968 square feet) or 40% of the floor area of the dwelling, whichever is less; OR

B.6.3.4 The maximum permitted floor area for a secondary suite detached from a single family dwelling; or within an accessory building is 90 square metres (968 square feet);

B.6.3.5 Secondary suites are for residential use and any use for overnight accommodation on less than a monthly basis for monetary gain is prohibited unless authorized by a temporary use permit;

B.6.3.6 A secondary suite must only be accessible by an entrance separate from that of the principal dwelling unit;

~~B.6.3.7 A secondary suite must have the approval of the local Health Authority with respect to sewage disposal;~~

B.6.3.~~8~~7 A secondary suite within an accessory building must not contain interior access to any part of the accessory building and the means of access and egress must be external to the structure;

B.6.3.~~9~~8 A secondary suite must not be located within a manufactured home or multiple family dwelling;

B.6.3.~~10~~9 For lands outside of the ALR, Aa secondary suite shall not be permitted on a lot unless the owner of the lot, has registered a restrictive covenant under Section 219 of the *Land Title Act* in favour of the Gabriola Island Local Trust Committee:

a. prohibiting the registration of a strata plan under the *Strata Property Act* or *Land Title Act* which would result in the secondary suite being a separate ~~real estate entity~~lot; and

b. limiting the number of dwellings permitted on the lot to two, including the principal dwelling.

Comment [SZ1]: This is already done at the building permit stage through the Regional District of Nanaimo

Comment [SZ2]: The ALC will not allow strata subdivisions within the ALR so those parcels are protected.

Comment [SZ3]: Suggested legal review amendment

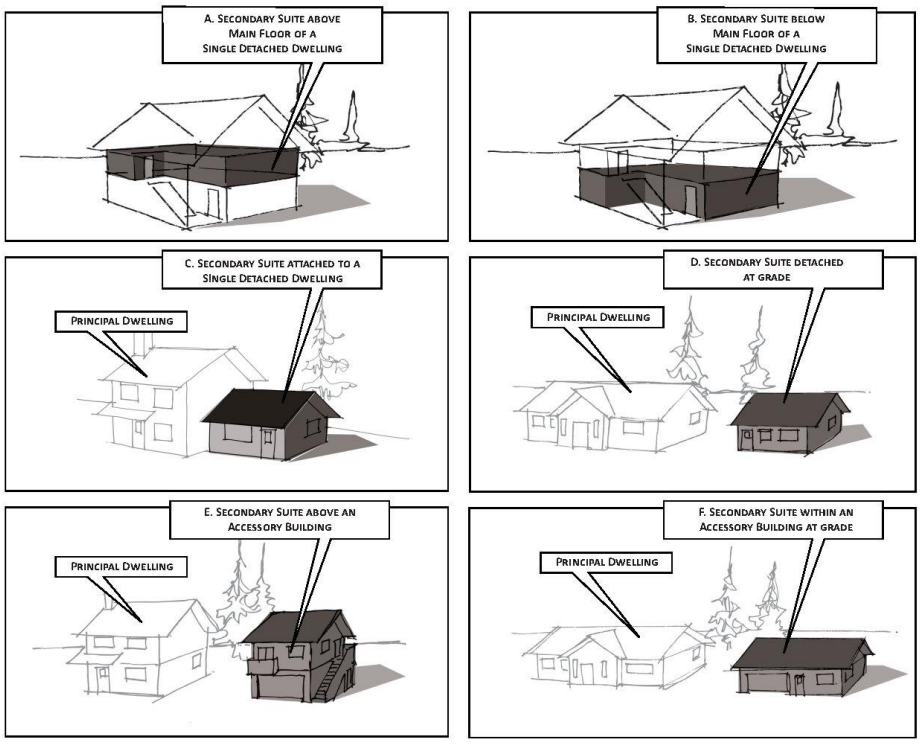


Figure 1. Permitted configurations for a secondary suite."

2.8 Part B – GENERAL REGULATIONS, Section B.6 MISCELLANEOUS, Subsection B.6.4 Use of Travel Trailers, Recreational Vehicles and Accessory Buildings, Article B.6.4.1, Clause c. to be deleted in its entirety and replaced with the following:

"c. the travel trailer, recreational vehicle or accessory building is connected to an approved sewage disposal system."

2.9 Part D – ZONES, Section D.1 RESIDENTIAL ZONES, Subsection D.1.1 Small Rural Residential (SRR), Article D.1.1.1 Permitted Uses, Clause b. Permitted Accessory Uses, Item ii is amended by replacing the word "cottage" with "secondary suite".

2.10 Part D – ZONES, Section D.1 RESIDENTIAL ZONES, Subsection D.1.1 Small Rural Residential (SRR), Article D.1.1.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i, second and third bullets are deleted and replaced with:

"-one secondary suite per lot;
-three buildings per lot ~~that exclude~~exluding a secondary suite; pump/utility house and
woodshed and that are accessory to all dwellings; and"

Comment [SZ4]: Suggested legal review amendment

2.11 Part D – ZONES, Section D.1 RESIDENTIAL ZONES, Subsection D.1.2 Large Rural Residential (LRR), Article D.1.2.1 Permitted Uses, Clause b. Permitted Accessory Uses, Item ii is amended by replacing the word “cottage” with “secondary suite”.

2.12 Part D – ZONES, Section D.1 RESIDENTIAL ZONES, Subsection D.1.2 Large Rural Residential (LRR), Article D.1.2.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i second and third bullets are deleted and replaced with:

“-one secondary suite per lot;
-three buildings per lot ~~that exclude~~excluding a secondary suite; pump/utility house and
woodshed and that are accessory to all dwellings; and”

2.13 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.1 Permitted Uses, Clause b. Permitted Accessory Uses, Item ii is amended by deleting the words “or cottage”.

2.14 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i second and third and fourth bullets are deleted and replaced with:

“-one secondary suite per lot;
-for lots in the Agricultural Land Reserve, ~~despite B.6.3.2 the~~ one secondary suite dwelling ~~must only be located either~~ located wholly within a building that is a ~~single real estate entity~~single lot which otherwise contains a single family dwelling AND one secondary suite ~~OR~~ located above an accessory building OR one manufactured home for immediate family or farmworker housing;
-three buildings per lot ~~that exclude~~ excluding a secondary suite; pump/utility house and woodshed and that are accessory to all dwellings; and”

Comment [SZ5]: Suggested legal review amendment

2.15 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item ii text prefacing the bullets is deleted and replaced with:

“On lands in the Agriculture Land Reserve where a manufactured home is permitted on a lot 2.0 hectares (4.94 acres) or larger for immediate family or farm worker housing, the following conditions apply:”

Comment [SZ6]: Written confirmation from ALC pending – staff have discussed the proposed AG zone provisions with ALC staff.

2.1~~6~~5 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.3 Regulations, Clause a. Buildings and Structures Siting Requirements, Item i, first bullet is amended by replacing the word “cottage” with “secondary suite”.

2.1~~7~~6 Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.3 Regulations, Clause a. Buildings and Structures Siting Requirements, Item ii, first bullet is amended by replacing the word “cottage” with “secondary suite”.

2.1~~87~~ Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.2 Forestry (F), Article D.2.2.1 Permitted Uses, Clause b. Permitted Accessory Uses, Item ii is amended by replacing the word “cottage” with “secondary suite”.

2.1~~98~~ Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.2 Forestry (F), Article D.2.2.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i second and third bullets are deleted and replaced with:

“- one secondary suite per lot;
- three buildings per lot ~~that exclude~~ exlcluding a secondary suite; pump/utility house and woodshed and that are accessory to all dwellings; and”

2.20~~19~~ Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.4 Resource (R), Article D.2.4.1 Permitted Uses, Clause b. Permitted Accessory Uses, Item ii is amended by replacing the word “cottage” with “secondary suite”.

2.21~~20~~ Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.4 Resource (R), Article D.2.4.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i second and third bullets are deleted and replaced with:

“-one secondary suite per lot;
-three buildings per lot ~~that exclude~~ excluding a secondary suite; pump/utility house and woodshed and that are accessory to all dwellings; and”

2.22~~21~~ Part D – , ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.6 Resource Residential 1 (RR 1), Article D.2.6.1 Permitted Uses, Clause b. Permitted Accessory Uses, Item ii text is deleted in its entirety and replaced with:

“secondary suite residential ~~on lands shown on Schedule C Map 14 and subject to section B.6.3~~.”

Comment [SZ7]: Suggested legal review amendement

2.23~~22~~ Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.6 Resource Residential 1 (RR 1), Article D.2.6.~~2~~ 1 ~~Buildings and Structures~~Permitted Uses, Clause ~~a~~b. Permitted ~~Buildings and Structures~~Accessory Uses, Item ii, second bullet is amended by replacing the words “cottage residential on lands shown on Schedule C, Map 14” with “secondary suite”.

2.24~~23~~ Part D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.6 Resource Residential 1 (RR 1), Article D.2.6.2 Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i, second and fourth bullet text ~~is~~ are deleted ~~in its entirety~~ and replaced with

“- three buildings per lot excluding a secondary suite; pump/utility house and woodshed and that are accessory to all dwellings;
- one secondary suite per lot.”

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2.25~~24~~ Part E – SUBDIVISION, Section E.1 GENERAL, Subsection E.1.3 Covenant Against Further Subdivision and Development, Article E.1.3.3 is amended by deleting the words “ or cottage” in each instance it appears and replacing the

words “and in a form complying with Appendix E” with “under s.219 of the Land Title Act in favour of the Gabriola Island Local Trust Committee,”.

Comment [SZ8]: Suggested legal review amendment

2.2625 Part G – DEFINITIONS, Section G.1 DEFINITIONS is amended by deleting the term “cottage” and definition.

2.2726 Part G – DEFINITIONS, Section G.1 DEFINITIONS, “*dwelling – multiple family*” is amended by replacing the word “two” with “three”.

2.2827 Part G – DEFINITIONS, Section G.1 DEFINITIONS, “secondary suite” is amended by replacing the definition with the following text:

“a self-contained dwelling unit consisting of one or more habitable rooms and a cooking facility for residential occupancy accessory to a principal dwelling unit located on the same lot.”

2.2928 Part G – DEFINITIONS, Section G.1 DEFINITIONS, is amended by deleting the word “means” from the beginning of each definition in the section.

2.30 Schedule C – Map 14 is deleted and subsequent Schedule C map 15 and 16 are renumbered accordingly.

TERMS OF INSTRUMENT – PART 2
SECTION 219 COVENANT

This COVENANT dated for reference [*insert month, day, year*], is

BETWEEN:

[*Insert as applicable name(s) of Landowner(s), company(s), the name of the Act the company is incorporated under, full address*]

(the "Owner")

AND:

GABRIOLA ISLAND LOCAL TRUST COMMITTEE, a local trust committee incorporated under the *Islands Trust Act* (British Columbia), having an office at 200 – 1627 Fort Street, Victoria, British Columbia, V8R 1H8

("Local Trust Committee")

WHEREAS:

A. The Owner is the owner in fee simple of that parcel of land on Gabriola Island, in the Province of British Columbia, more particularly known and described as:

PID: [*insert PID number*]
[*insert legal description*]

(the "Lands");

B. Gabriola Island Land Use Bylaw, 1999, as amended, permits the construction and use of a secondary suite only if the owner has registered a restrictive covenant under Section 219 of the *Land Title Act* prohibiting subdivision of secondary suite by stratification;

C. Section 219 of the *Land Title Act* permits the registration of a covenant of a negative or positive nature in favour of a municipality, in respect of the use of land, the building on land, the subdivision of land and the preservation of land or a specific amenity on the land;

THIS AGREEMENT is evidence that in consideration of payment of $1.00 by the Local Trust Committee to the Owner (the receipt and sufficiency of which are acknowledged by the Owner), and in consideration of the promises exchanged below, the Owner covenants and agrees with the Local Trust Committee in accordance with Section 219 of the *Land Title Act* as follows:

DRAFT

GRANT OF SECTION 219 COVENANT

1. The Owner covenants with the Local Trust Committee that:

   (a) the Lands shall not be subdivided by subdivision plan under the *Land Title Act*, by a strata plan or bare land strata plan under the *Strata Property Act*, or in any other manner, that creates a separate parcel for the secondary suite located on the Lands; and

   (b) if the Lands are not designated as being within the Agricultural Land Reserve, there shall be no more than two dwellings permitted on the Lands, including the principal dwelling.

OBLIGATIONS

2. The parties agree that this Agreement creates only contractual obligations and obligations arising out of the nature of this document as a covenant under seal. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of, or any default under or in respect of, this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract and under the law pertaining to covenants under seal.

INDEMNITY

3. The Owner releases, and must indemnify and save harmless the Local Trust Committee, its elected and appointed officials and employees, from and against any and all liability, actions, causes of action, claims, costs, damages, expenses (including actual legal fees), costs, debts, demands or losses suffered or incurred by the Owner, or anyone else, arising from the performance by the Owner of this Agreement, or any default of the Owner under or in respect of this Agreement.

NO EFFECT ON LAWS OR POWER

4. Wherever in this Agreement the Local Trust Committee is required or permitted to form an opinion, exercise discretion, express satisfaction, make any determination, or give its consent, the Owner agrees that the Local Trust Committee may do so in accordance with the provisions of this Agreement and is under no public law duty of fairness or natural Justice, and agrees that the Local Trust Committee may do any of those things in the same manner as if it were a private party and not a public body.

5. This Agreement does not:

DRAFT

(a) affect or limit the discretion, rights or powers of the Local Trust Committee under any enactment (as defined in the Interpretation Act on the reference date of this Agreement) or at common law, including in relation to the use or subdivision of the Lands;

(b) affect or limit any enactment relating to the use or subdivision of the Lands; or

(c) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Lands.

RUNS WITH THE LANDS

6. Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted under Section 219 of the *Land Title Act* in respect of the Lands and runs with the Lands and binds the successors of title to the Lands. This Agreement burdens the Lands and every part parcel into which the Lands may be subdivided by any means and any parcel into which the Lands are consolidated. The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Lands.

WAIVER

7. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver by the Local Trust Committee of any default by the Owner shall not be deemed to be a waiver of any subsequent default.

SEVERANCE

8. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.

ENTIRE AGREEMENT

9. This Agreement is the entire agreement between the parties regarding its subject.

ENUREMENT

10. This Agreement binds the parties to it and their respective successors, heirs, executors and administrators.

DEED AND CONTRACT

DRAFT

11. By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

FURTHER ASSURANCES

12. The Owner agrees to do everything reasonably necessary at the Owner's expense to ensure that this Agreement is registered against the title to the Lands with priority over all financial charges, liens, and encumbrances registered or the registration of which is pending, at the time of application for registration of this Agreement.

13. The Owner must do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instruments.

INVESTIGATION BY LOCAL TRUST COMMITTEE

14. The Owner hereby irrevocably authorizes the Local Trust Committee to make such inquiries as it considers necessary and reasonable in order to confirm that the Owner is complying with this Agreement and irrevocably authorize and direct the recipient of any request for information from the Local Trust Committee to provide such information to the Local Trust Committee.

As evidence of their agreement to be bound by the terms of this instrument, the parties hereto have executed the Land Title Form C which is attached hereto and forms part of this Agreement.

[*attach priority agreement, if property burdened by mortgage, assignment of rents or other financial charge*]

DRAFT

Housing Options Review Project - PHASE 1 Charter v 2.0

Gabriola Island Local Trust Committee

Date: April 28, 2017

Purpose

To increase opportunities for a wider range of housing options on Gabriola Island by reviewing relevant Official Community Plan (OCP) policies and Land Use Bylaw (LUB) regulations.

Background

The Local Trust Committee (LTC) began a discussion on affordable/attainable housing options with planning staff and the Advisory Planning Commission in 2015. The LTC identified a housing options review project on Gabriola Island as a top priority for the remainder of the 2014-2018 term.

Objectives

- Explore mechanisms to strengthen and build effective working relationships with existing community groups, agencies and the Regional District of Nanaimo to support housing options for Gabriola Island.
- Review targeted OCP policies and LUB regulations to increase housing options on Gabriola.
- Develop new LUB regulations regarding proof of water at the time of subdivision.
- Develop a community survey and communication plan on existing and proposed housing regulations for residents, realtors and developers.

In Scope

- Review of secondary suites for residential lots in lieu of accessory cottages and on ALR land.
- Review of temporary dwelling regulations.
- Review subdivision proof of water requirements.
- Review of role of staff and LTC in supporting community led housing initiatives.
- Review opportunities with RDN to foster AH initiatives.
- Develop community survey on Phase 1 topics and communication strategy on housing options and opportunities.

Out of Scope

- Update and enhance the Gabriola Housing Needs Assessment based on 2016 census data and community consultation.
- Develop new DP area for water conservation.
- Review amenity zoning and housing agreements; density bank policies.
- Review of multi-family AH policies; regulations and DP guidelines.

Workplan Overview

Deliverable/Milestone	Date
LTC endorses project scope and objectives	July 2016
Planning research, outreach to identified agencies, groups	July—Sept 2016
Planning research; community engagement and consultation	Fall, Winter 2016
Draft bylaws presented to LTC for review	Winter 2016
Community consultation and early referrals of draft bylaws	Winter 2017
Legislative process for proposed bylaw(s)	Winter/Spring 2017
Adoption of proposed bylaw(s) and communications materials	Spring/Summer 2017

Project Team

Sonja Zupanec	Project Manager/ Planner
Ann Kjerulf	Project Sponsor
Becky McErlean	Legislative Clerk
Advisory Planning Commission	Community Representatives

RPM Approval:

Ann Kjerulf

Date: July 21, 2016

LTC Endorsement:

Resolutions #GB-2016-073

Date: Jul.12.16.16

#GB-2017-056 on Feb.9.17

Budget

Budget Source:

Fiscal	Item	Cost
2016-2017	Community engagement and consultation	$3,000
2017-2018	Communication and outreach materials	$1000 **(pending budget approval)**
2017-2018	Legislative Process (community information meetings; public hearing; advertising)	$1,300 **(pending budget approval)**
	Total	**$5,300**

Islands Trust

LTC EXP SUMMARY REPORT F2017

Invoices posted to Month ending March 2017

620 Gabriola	Invoices posted to Month ending March 2017	Budget	Spent	Balance
65000-620	LTC "Trustee Expenses"	1,500.00	981.13	518.87
LTC Local				
65200-620	LTC - Local Exp - LTC Meeting Expenses	4,750.00	5,773.94	-1,023.94
65210-620	LTC - Local Exp - APC Meeting Expenses	600.00	1,418.10	-818.10
65220-620	LTC - Local Exp - Communications	1,250.00	495.72	754.28
65230-620	LTC - Local Exp - Special Projects	1,000.00	856.96	143.04
TOTAL LTC Local Expense		7,600.00	8,544.72	-944.72
Projects				
73001-620-2001	Gabriola OCP/LUB	1,500.00	713.10	786.90
73001-620-4063	Gabriola First Nations Relations	1,500.00	54.51	1,445.49
73001-620-4064	Gabriola Housing Options Review	3,500.00	385.93	3,114.07
TOTAL Project Expenses		6,500.00	1,153.54	5,346.46