



## **Gabriola Island Local Trust Committee Minutes of Special Meeting**

**Date:** December 12, 2016  
**Location:** Gabriola Island Agricultural Hall  
 465 South Road, Gabriola Island, BC

**Members Present** Laura Busheikin, Chair  
 Melanie Mamoser, Local Trustee  
 Heather O'Sullivan, Local Trustee

**Staff Present** Sonja Zupanec, Island Planner  
 Lisa Millard, Recorder

**Others Present** There were approximately twenty-two members of the public and one member of the media present

### **1. CALL TO ORDER**

Chair Busheikin called the meeting to order at 4:30 pm. She acknowledged that the meeting was being held in the territory of the Coast Salish First Nations.

Chair Busheikin acknowledged that Jerry Schaefer, Regional District of Nanaimo (RDN) Building Inspection Supervisor, was present at the meeting and thanked him for being available to answer questions within his area of expertise.

### **2. APPROVAL OF AGENDA**

The following changes to the agenda were presented for consideration:

**3.1 Adoption of November 10, 2016 Meeting Minutes was deferred to the next regular scheduled meeting.**

**5.0 Meeting Date Change for 2017 was removed from the agenda.**

**By general consent** the agenda was approved as amended.

### **3. MINUTES**

**3.1 Local Trust Committee Minutes dated November 10, 2016 - for adoption**

This item was deferred to the next regular scheduled meeting.

#### 4. LOCAL TRUST COMMITTEE PROJECT

##### 4.1 Housing Options Review Project - Staff Report

Planner Zupanec summarized the recommendations made within the staff report.

##### 4.2 Presentation by Planner Zupanec

Planner Zupanec made a presentation and highlighted the following:

- The objectives of the project and the in-scope topics.
- The various codes that regulate single family housing.
- That the BC Building Code regulates buildings on permanent foundations while the Canadian Standards Association regulates recreational vehicles and homes on wheels.
- Tiny homes on chassis are not regulated by either the BC Building Code or the Canadian Standards Association.
- The three survey topics including:
  - A. A review of temporary dwellings and exploration of options including recreational vehicles, travel trailers and tiny homes on chassis.
  - B. Review options for secondary suites on lots 2 ha and larger in lieu of accessory cottages.
  - C. Review options for secondary suites over non-residential buildings on lots 2 ha or larger within the Agricultural Land Reserve (ALR).
- The level of support for, and against, each aspect of each survey topic.
- The recommendations made within the staff report.

##### 4.3 Public Question and Answer Session

The following questions were asked by members of the public and responded to as noted:

- Is rezoning required for the housing options that have been presented?
  - Planner Zupanec advised that many properties over 2 ha in size are currently zoned to allow for a single family dwelling and an accessory cottage.
- Are the zones under discussion limited to Large Rural Residential (LRR), Small Rural Residential (SRR) and Agricultural Land Reserve (AG)?
  - Planner Zupanec responded that these zoning designations currently allow either accessory cottages or properties in the ALR can have a secondary suite.
- It was noted that the maximum size for a secondary suite is 40% of the size of the main residence. Is there any opportunity to change this size?
  - Planner Zupanec indicated the BC Building Code specifies the definition of a secondary suite and also specifies that they must be smaller than the main residence they are located within, however, the code does not regulate the users of each residence, nor does it specify that a property owner must reside in either residence.
- Will a review of Bylaw No. 250 be part of this process?
  - Planner Zupanec stated that staff are now recommending a review of this bylaw during the current phase of the project.

- Residing in a temporary dwelling while building a permanent house is currently allowed. What happens to the permit to reside in the temporary dwelling once the main house is completed? Can temporary homes become an accessory building once the main home is completed?
  - RDN Inspection Supervisor Schaefer stated that the bylaw outlines circumstances when one can live in a temporary building and that a recreational vehicle or mobile home is considered a temporary dwelling within this context. Once the permanent home is completed then the temporary home needs to be disassembled or no longer used as a residence. If the temporary unit meets the building code specifications then it could be considered an accessory building, however, a recreational vehicle would not be considered an accessory building because it is not on a permanent foundation.
- Can you build a cabin as a temporary building unit and then build the main home?
  - RDN Inspection Supervisor Schaeffer stated this is not allowed, however, an exception exists if a lot is purchased with an existing old cabin or home which can then be used as the temporary unit.
- Can you build a structure that includes a small living space and a large parking space to BC Building Code specifications?
  - RDN Inspection Supervisor Schaefer indicated that the description provided sounds like a garage and there would be a problem with parking a vehicle inside of a dwelling unit due to fuel on board.
- Are the objections about using recreation vehicles as dwellings due to aesthetics?
  - Planner Zupanec stated that they are designed and manufactured for temporary use and not full time occupancy and therefore the LTC cannot approve a structure as a permanent dwelling if the manufacturer states that this is not an approved use.
- Why is there a requirement for a permanent dwelling to be on a foundation?
  - RDN Inspection Supervisor Schaefer noted that a foundation is required for structural safety as per the BC Building Code.
- Can a tiny home be built to comply with the building code and used as a permanent dwelling on a lot?
  - RDN Inspection Supervisor Schaefer indicated that the code does not specify the minimum size for a permanent dwelling but it does specify that the dwelling needs to be on a permanent foundation. Tiny homes on chassis are not allowed under the code as they are not on a foundation, however, the code allows for alternative solutions and therefore individuals can make building proposals that provide an equivalent level of standards.
- Is the LTC willing to engage with members of the community to find a solution that will allow the use of tiny homes as dwellings and / or are they willing to allow a trial run while draft bylaws are under discussion?
  - Chair Busheikin stated that the LTC has jurisdiction to zone lands and it is not within their ability to put forward a pilot project however if a proposal were to be presented by a community group then the LTC could take an application for rezoning under consideration. Planner Zupanec noted that property owners can make site specific rezoning applications.

- The BC Government has a process for local governments to propose variances or changes to building codes. Has the LTC engaged in discussion with other communities regarding tiny homes?
  - Chair Busheikin indicated that once per year, all coastal community governments meet with the Union of BC Municipalities (UCBM) to make recommendations to higher levels of government. Planner Zupanec noted that when local governments present changes to building codes for consideration they must conduct, and pay for, all of the relevant studies and engineering testing which is cost prohibitive.
- Installing a septic system for a tiny house is significantly more expensive than the cost of a composting toilet. Why are outhouses currently an allowed use of dealing with septic waste while composting toilets are not and why does the building code require the installation of a septic system?
  - RDN Inspection Supervisor Schaefer noted that the code does not state a septic system must be installed, but does state there must be an approved method of dealing with septic waste which includes a septic system, a city sewage system, or a pump and haul system.
- Has there been any study done on the impact of putting this bylaw into place in terms of creating new housing stock, does the LTC consider this a relevant solution to the lack of housing?
  - Planner Zupanec stated that the housing options review is within the market housing realm which is not the same as affordable housing, but perhaps addresses attainable housing to some degree. She further noted that a housing needs assessment framework across the entire Islands Trust area is needed in order to gather relevant data on housing needs for Gabriola.

The following comments were made by members of the public:

- The properties under consideration are over 2 ha in size yet the majority of properties on Gabriola are a half acre or smaller. Those properties that are 2 to 4 acres in size can support secondary suites and it seems to create unfairness for those that have more land than the average property size as they are not able to build secondary residences.
- When considering the overall goal of affordable housing the recommendations do not necessarily make sense as an issue with secondary suites is that they are often built as mortgage helpers which can work against the goal of lifting people out of poverty.
- For clarity and consistency the terms “accessory cottage” and “secondary suites” should be replaced with one name such as a “secondary dwelling”.

#### **4.4 Local Trust Committee Discussion of Next Steps**

Discussion ensued on the following topics:

- The potential for the LTC to have an advocacy role regarding tiny homes.
- The possibility of asking the Executive Committee to engage in discussion regarding tiny homes at the upcoming Association of Vancouver Island and Coastal Communities meeting.
- The requirement for accessory buildings to be on a foundation which was confirmed by RDN Inspection Supervisor Schaefer.

- The ninety-day limit pertaining to living in a temporary dwelling and if extensions to that limit are allowed.
- The type of dwelling one is permitted to live in when a permanent dwelling is being built include a recreational vehicle, a travel trailer and an existing cabin or house provided a demolition permit has been issued for the latter as confirmed by RDN Inspection Supervisor Schaefer.

**GB-2016-129****It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee recommend that the Islands Trust put forward a motion to consider modification to the BC Building Code to accommodate tiny homes built on a chassis at the upcoming Association of Vancouver Island and Coastal Communities meeting.

**CARRIED****GB-2016-130****It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request staff to prepare draft amending bylaws to permit a secondary suite accessory to a principal dwelling, with the following draft parameters:

- Except on lands within the Agricultural Land Reserve,
  - That a secondary suite be permitted only on lots 2.0 hectares or larger;
  - That a secondary suite be permitted either within, detached, or attached to the building containing the principal dwelling; or above a non-residential building;
  - That the floor area of a secondary suite within or attached to the principal dwelling be limited to a maximum of 968 square feet or 40% of the floor area of the principal dwelling (whichever is less);
  - That the floor area of a secondary suite that is detached from the principal dwelling or above a non-residential building be limited to a maximum of 968 square feet.
- On lands within the Agricultural Land Reserve,
  - That a secondary suite be permitted either within a principal dwelling or above a non-residential building;
  - That the floor area of a secondary suite within a principal dwelling be maintained to a maximum of 968 square feet or 40% of the habitable floor area of the principal dwelling (whichever is less);
  - That the floor area of a secondary suite above a non-residential building be limited to a maximum of 968 square feet,
- That the definition of 'secondary suite' be revised and that the definition of 'accessory cottage' be deleted; and
- That staff prepare advice and / or draft bylaw language to address the existing regulations regarding bathrooms in accessory buildings (Bylaw 250).

**CARRIED**

Chair Busheikin left the meeting at 6:28 pm.

**By general consent** Trustee O'Sullivan was appointed as Temporary Chair.

**GB-2016-131**

**It was MOVED and SECONDED**

that the Housing Options Review Project Charter be amended to include that staff prepare advice and / or draft bylaw language to address the existing regulations regarding bathrooms in accessory buildings (Bylaw 250).

**CARRIED**

**GB-2016-132**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request staff to continue to collaborate and engage in discussions with building professionals on the feasibility of using custom built 'tiny homes' on a trailer as a permanent residence and report back to the Local Trust Committee and potential Official Community Plan amendments to include advocacy for tiny homes.

**CARRIED**

**GB-2016-133**

**It was MOVED and SECONDED**

that discussion of connection to an approved sewage disposal system for accessory buildings when they are being used as temporary dwellings under the building permit process be added to the agenda for the upcoming Regional District of Nanaimo Islands Trust Inter Agency meeting.

**CARRIED**

**5. MEETING DATE CHANGE FOR 2017 – discussion**

This item was removed from the agenda.

**6. ADJOURNMENT**

**By general consent** the meeting was adjourned at 6:45 pm.

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Laura Busheikin, Chair

Certified Correct:

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Lisa Millard, Recorder