



File No.: GB-RZ-2022.1 (Moen)

DATE OF MEETING: June 26, 2025

TO: Gabriola Island Local Trust Committee

FROM: Stephen Baugh, Island Planner
Northern Team

SUBJECT: GB-RZ-2022.1 – Housing Agreement
Applicant: Kent Moen
Location: 750 Tin Can Alley, Gabriola Island
LOT B SECTION 19 GABRIOLA ISLAND NANAIMO DISTRICT
PLAN VIP60373 (PID 023-005-629)

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee request the applicant for GB-RZ-2022.1 (Moen) enter into a cost recovery agreement with the Islands Trust for legal services to review a draft housing agreement and housing agreement bylaw and prepare a draft restrictive covenant for the subject property.
2. That the Gabriola Island Local Trust Committee amend Bylaw No. 318, cited as “Gabriola Official Community Plan (Gabriola) Bylaw No. 166, 1997, Amendment No. 1, 2024”, as follows:
 - a. Schedule 2, Section 1, Subsection 1.1 is amended by removing “Lot B, Plan VIP50373, Section 19, District 32” and replacing it with “LOT B SECTION 19 GABRIOLA ISLAND NANAIMO DISTRICT PLAN VIP60373”;
 - b. Schedule 3, Section 1, is amended by removing “Lot B, Plan VIP50373, Section 19, District 32” and replacing it with “LOT B SECTION 19 GABRIOLA ISLAND NANAIMO DISTRICT PLAN VIP60373”.
3. That the Gabriola Island Local Trust Committee Bylaw No. 318 cited as “Gabriola Official Community Plan (Gabriola) Bylaw No. 166, 1997, Amendment No. 1, 2024” be read a first time, as amended.
4. That the Gabriola Island Local Trust Committee amend Bylaw No. 319, cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2024”, as follows:
 - a. Schedule 1, Section 2, Subsection 2.1 is amended by removing “Lot B, Plan VIP50373, Section 19, District 32” and replacing it with “LOT B SECTION 19 GABRIOLA ISLAND NANAIMO DISTRICT PLAN VIP60373”.
5. That the Gabriola Island Local Trust Committee Bylaw No. 319 cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2024” be read a first time, as amended.

REPORT SUMMARY

At their meeting in January 2025, the Gabriola Local Trust Committee (LTC) gave First Reading to Bylaw No. 318 and No. 319 to permit a site-specific commercial zone at 750 Tin Can Alley and the Bylaws were referred to First Nations, Local Governments and agencies. The application also proposes two dwelling units at the subject property, one of which would be secured as affordable rental housing with a housing agreement with the LTC.

The purpose of this report is to present the referral responses received, recommend a minor amendment to the Bylaws and to seek direction from the LTC to enter into a cost recovery agreement with the applicant of bylaw amendment application GB-RZ-2022.1 (Moen) for the purposes of a legal review of a housing agreement and associated housing agreement bylaw.

BACKGROUND

Bylaw No. 318 would amend the Gabriola Official Community Plan to include 750 Tin Can Alley in the Village Commercial Land Use Designation, and in the Village Centre Development Permit Area. Bylaw No. 319 would amend the Gabriola Land Use Bylaw to create a new, site-specific Village Commercial Zone to allow a range of commercial uses in addition to the existing commercial uses on the property as well as two dwelling units. One of the dwelling units is proposed to be secured as affordable housing through a housing agreement with the LTC. A cost recovery agreement with the applicant would support a legal review of the housing agreement, housing agreement bylaw and accompanying restrictive covenant, prior to consideration by the LTC.

ANALYSIS

Referral Comments

Referrals were sent on February 21, to First Nations, Local Governments, and agencies. The following table summarizes the responses received to referrals.

Referral Recipient	Response	Staff Comments
Regional District of Nanaimo	No response received.	
Island Health Authority	Approval recommended subject to conditions: <ul style="list-style-type: none"> • A permit is required for construction and operation of a water supply system; • Water treatment may be required at this location due to water quality; • Onsite sewage disposal must be in compliance with the <i>Sewerage System Regulation</i>; • Permits are required for construction and operation of food premises or invasive personal services. 	Applicant is advised of Island Health requirements
Ministry of Transportation and Transit	"The Ministry has no objections to the zoning text amendment."	

Ministry of Water, Land and Resource Stewardship	No response received.	
School District 68	"the district has no comment on the referral"	
Gabriola Volunteer Fire Department	"Access to the property for fire apparatus is good, and we have a suitable turnaround area at the end of Tin Can Alley. There is a water source within 2 km, and the fire hall is located within 1 km. Additionally, the property will receive the Fire Underwriters Survey, qualifying it for commercial status."	
Gabriola Advisory Planning Commission	That the Gabriola Island Advisory Planning Commission recommends that the Local Trust Committee approve the proposed Bylaw Nos. 318 and 319 (GB-RZ-2022.1 (Moen)) subject to water supply and storage being available to suit the proposed use.	Applicant has provided a report from a professional hydrogeologist and water storage requirements are included in the proposed bylaw.
Gabriola Housing Advisory Planning Commission	"The HAPC recommends that the proponent at 750 Tin Can Alley be allowed to build as many residential units, (at average size of 90 m2), to equal the area of new commercial development. We recognize that this is inconsistent with the current OCP, but it is consistent with the HAPC's 2024 recommendations for increased density in the Village area and the potential for equivalent area of housing as commercial in new developments."	The current Gabriola OCP does not support increasing density except for seniors, special needs or affordable housing. Additionally, professional reporting provided with this application does not contemplate residential density of this intensity at the subject property.
Cowichan Tribes	No response received.	
Halalt First Nation	No response received.	
Lyackson First Nation	No response received.	
Penelakut Tribe	No response received.	
Snuneymuxw First Nation	No response received.	Snuneymuxw First Nation staff have

		indicated that they are reviewing the referral.
Stz'uminus First Nation	No response received.	
Tsu'uubaa-asatx First Nation	"...at this time, we defer to any Nation(s) whose title and governing authorities are directly affected."	

A referral to Snuneymuxw First Nation was sent via email in February, however, it was not submitted through their 'Snuneymuxw Connect' Portal until May 20. The applicant has subsequently submitted a referral fee and staff at Snuneymuxw First Nation are reviewing the referral. SFN staff have been advised that referral responses can be received by the LTC up until the Public Hearing and that the LTC will receive an update with comments from Snuneymuxw First Nation when a response has been received.

Staff are not recommending amendments to the proposed bylaws as a result of the referral responses received to date. There is a typographical error in the OCP and LUB bylaw which staff are recommending be corrected as per recommendation number 2 and number 4 on page one of this report.

Housing Agreements

Section 483 of the *Local Government Act* authorizes LTC to enter into a housing agreement, which defines terms and conditions agreed to by the LTC and the property owner regarding the occupancy, rents and tenure of the housing units identified in the agreement. The primary purpose of a housing agreement is to ensure that a development provides an affordable rental in the long term.

There are three parts to a housing agreement:

1. **A bylaw.** Adopted by the LTC and authorizes LTC to enter into a housing agreement with another party.
2. **The housing agreement.** The housing agreement is attached to the bylaw, and is a contract between the parties to provide affordable housing.
3. **Covenant.** Once the bylaw is approved, notice of the housing agreement is registered on title. Housing agreements are registered to the land, even if the land is sold, the housing agreement is preserved.

Official Community Plan:

With regards to the housing agreement bylaw, the following OCP policy is relevant:

2.0(k) This Plan only supports the realization of additional residential density without subdivision when used for Affordable Housing for Special Needs residents, Seniors and multiple-dwelling affordable housing.

The applicant has proposed that one of the dwelling units be affordable housing. The only tool available to the LTC to secure affordable housing is a housing agreement. These facts have led to the necessity for a housing agreement in order to permit 2 dwellings on the subject property. Staff note that the proposed bylaws under consideration do not currently require any housing to be constructed and as such, there is no guarantee that an affordable housing unit will be constructed.

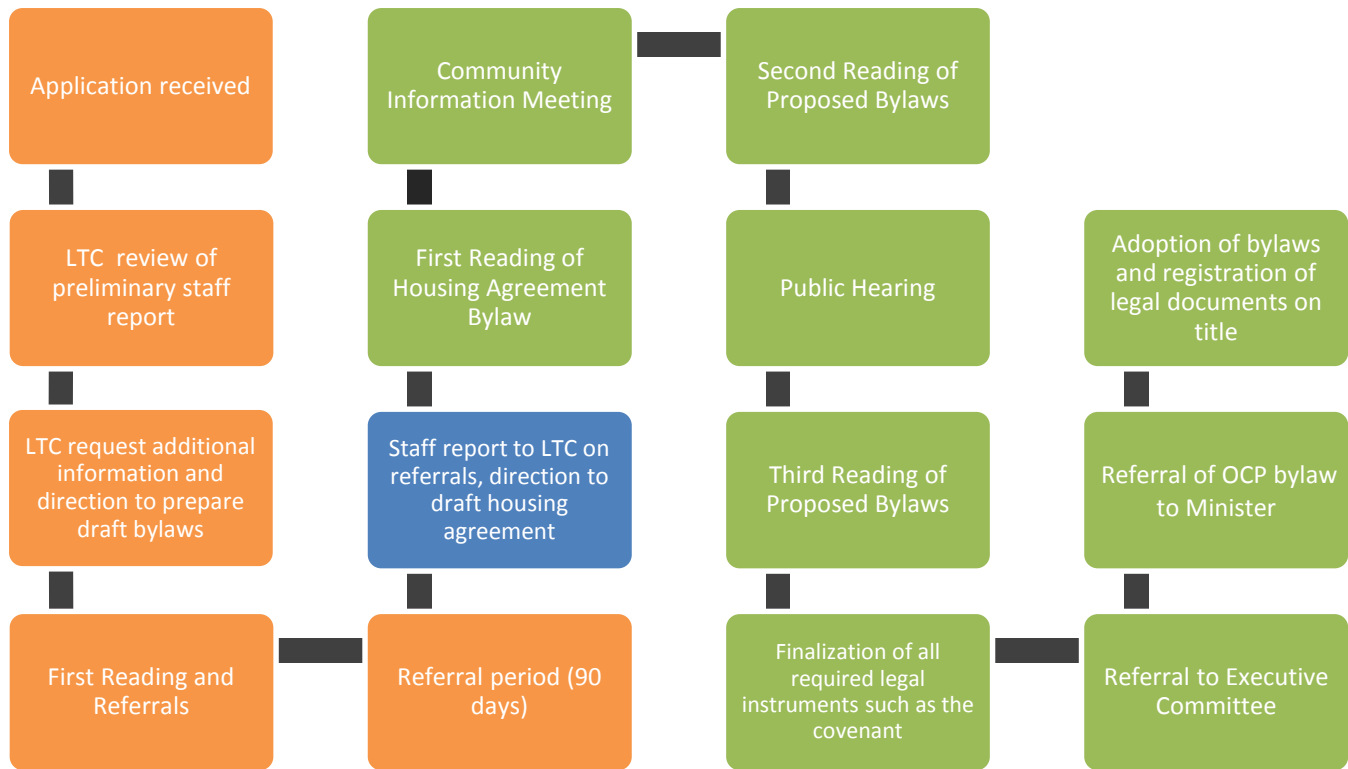
Staff can prepare a draft housing agreement and housing agreement bylaw for legal review and request legal to draft a restrictive covenant for LTC consideration prior to second reading. This will require the applicant to enter into a cost recovery agreement with the Islands Trust for the purposes of legal review services as per staff recommendation number 1 on page one of this report.

Rationale for Recommendation

The staff recommendations are supported by the following rationale:

- A housing agreement would require one of the two permitted dwelling units to be affordable housing;
- The cost recovery agreement will allow a legal review of the housing agreement to ensure it uses enforceable and clear language;
- The housing agreement is consistent with current OCP policy for affordable housing; and
- Amendments to the OCP and LUB will correct a typological error.

Application Timeline



ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Defer amendments to Proposed Bylaws until 2nd Reading

The LTC may defer making any amendments to the bylaws until consideration of 2nd reading. There are no significant consequences of this. If this option is selected the LTC would simply forgo recommended resolutions numbered 2, 3, 4, and 5 on the first page of this report.

2. Proceed No Further

The LTC may proceed no further with this application. Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee proceed no further with bylaw amendment application GB-RZ-2022.1.

NEXT STEPS

If the staff recommendations are chosen, staff will obtain a quote for legal services, complete the cost recovery agreement with the applicant, and work with the applicant to draft a housing agreement.

Submitted By:	Stephen Baugh, Island Planner	June 9, 2025
Concurrence:	Sonja Zupanec, RPP, MCIP, Acting Regional Planning Manager	June 9, 2025

ATTACHMENTS

1. Proposed OCP Bylaw No. 318
2. Proposed LUB Bylaw No. 319

PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 318

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 Official Community Plan (Gabriola) Bylaw No. 166, 1997, Amendment No. 1, 2024”.

2. Gabriola Island Local Trust Committee Bylaw No. 166, cited as “Gabriola Island Official Community Plan (Gabriola) Bylaw No. 166, 1997”, is amended as per Schedule “1”, Schedule “2”, and Schedule “3” attached to and forming part of this bylaw

READ A FIRST TIME THIS 23RD DAY OF JANUARY , 2025

READ A SECOND TIME THIS _____ DAY OF _____ , 202x

PUBLIC HEARING HELD THIS _____ DAY OF _____ , 202x

READ A THIRD TIME THIS _____ DAY OF _____ , 202x

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 202x

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS

_____ DAY OF _____ , 202x

ADOPTED THIS _____ DAY OF _____ , 202x

Chair

Secretary

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 318
Schedule "1"

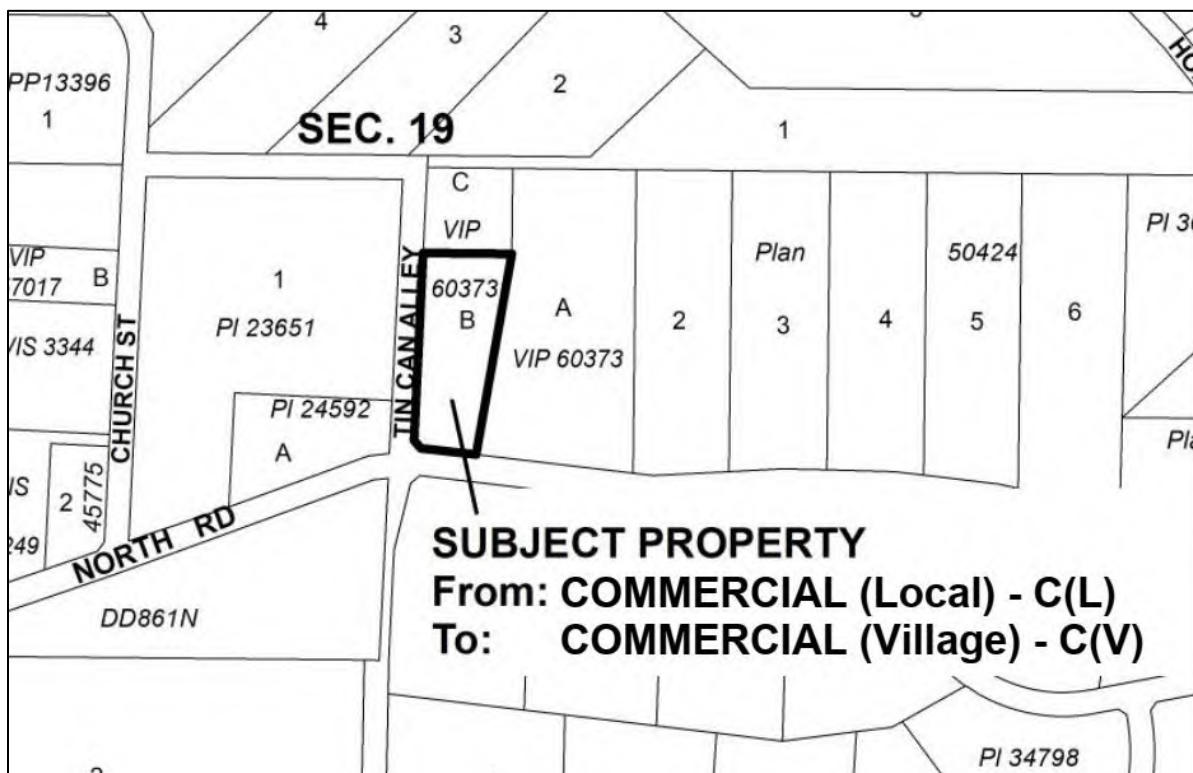
1. **Schedule "A"** of Gabriola Island Official Community Plan (Gabriola) Bylaw, 1997 is amended as follows:
 - 1.1. **Section 3 – Economic Activities**, Subsection **3.1 Commercial Activity, General Commercial Objectives** number 1 is amended by deleting the words "(Lockinvar Triangle area)".
 - 1.2. **Section 3 – Economic Activities**, Subsection **3.1 Commercial Activity, General Commercial Policies** is amended by adding a new clause after clause d) as follows: "e) Despite clause a) and d) a minimum and average parcel size of 1.0 hectare (2.47 acres) and up to 2 dwelling units per parcel may be permitted on the following parcel: LOT B SECTION 19 GABRIOLA ISLAND NANAIMO DISTRICT PLAN VIP60373."
 - 1.3. **Section 3 – Economic Activities**, Subsection **3.2 Village Commercial**, Clause 3.2.a) is amended by deleting the words "(the Lockinvar Triangle area)".
 - 1.4. **Section 3 – Economic Activities**, Subsection **3.4 Local Commercial**, Clause 3.4.a), is amended by deleting Item 3.4.a)ii in its entirety and by making such consequential numbering alterations to effect this change.

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 318
Schedule "2"

1. **Schedule "B"** of Gabriola Island Official Community Plan (Gabriola) Bylaw, 1997 is amended as follows:

- 1.1. **Schedule "B" – Land Use Designations – North Sheet**, is amended by changing the land use designation on the lands described as Lot B, Plan VIP50373, Section 19, District 32 (750 Tin Can Alley, Gabriola Island PID 023-005-629) from "Commercial (Local)" to "Village Commercial" as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "B" as are required to effect this change.

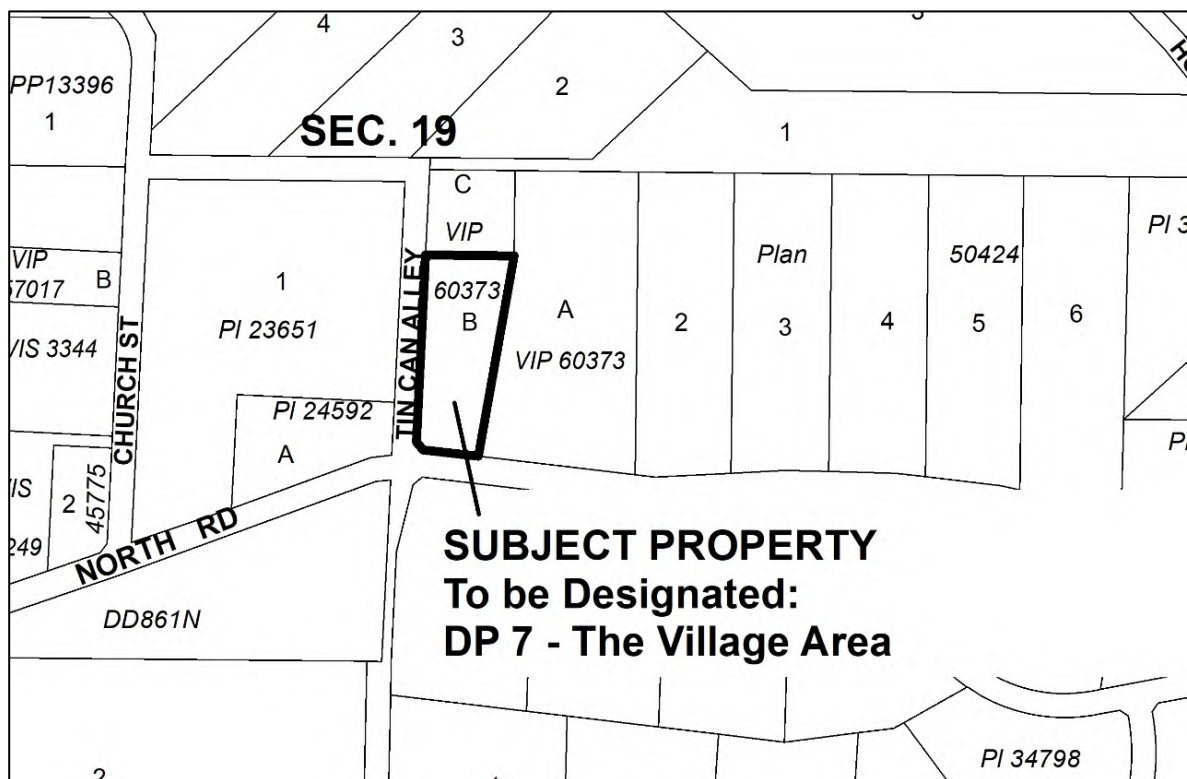
Plan No. 1



GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 318
Schedule "3"

1. **Schedule "D" – Development Permit Areas - OCP B North Sheet**, is amended by including the lands described as Lot B, Plan VIP50373, Section 19, District 32 (750 Tin Can Alley, Gabriola Island PID 023-005-629) in the Schedule D map for DP 7 - The Village Centre as shown on Plan No. 2 attached to and forming part of this bylaw, and by making such alterations to Schedule "D" of Bylaw No. 166 as are required to effect this change.

Plan No. 2



PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 319

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, 2024”.

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

READ A FIRST TIME THIS 23RD DAY OF JANUARY , 2025

READ A SECOND TIME THIS _____ DAY OF _____ , 202x

PUBLIC HEARING HELD THIS _____ DAY OF _____ , 202x

READ A THIRD TIME THIS _____ DAY OF _____ , 202x

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 202x

ADOPTED THIS _____ DAY OF _____ , 202x

Chair

Secretary

**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 319**

Schedule “1”

1. **Schedule “A”** of Gabriola Island Land Use Bylaw, 1999 is amended as follows:

- 1.1 **Part B GENERAL REGULATIONS**, Section B.1 **USES, BUILDINGS AND STRUCTURES**, Subsection **B.1.1 Permitted in Any Zone**, Article **B.1.1.1** Uses, Clause B.1.1.1.c. is amended by replacing “D.3.7. Ferry Parking, D.3.10” with “D.3.8. Ferry Parking, D.3.11”.
- 1.2 **Part B GENERAL REGULATIONS**, Section B.4 **SIGNS**, Subsection **B.4.1 Number and Total Sign Area**, Article **B.4.1.1**, Table 1 **Sign Regulations**, Column I is amended by adding “VC3,” after “VC2,”.
- 1.3 **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 adding a new row under the “Residential” heading as follows:

<i>dwelling unit</i> in the Village Commercial 3 zone	1 per <i>dwelling unit</i>	None required	None required
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- 1.4 **Part C ESTABLISHMENT OF ZONES**, Section C.1 **DIVISION INTO ZONES**, Subsection **C.1.1 Land Based Zones**, insert new zone “VC3 Village Commercial 3” after “Village Commercial 2 – Professional Centre” and before “DC1 District Commercial 1”.
- 1.5 **Part D ZONES**, Section D.3 **COMMERCIAL AND INDUSTRIAL ZONES**, insert new Subsection **D.3.3 Village Commercial 3 (VC3)** after Subsection **D.3.2 Village Commercial 2 – Professional Centre(VC2)** as shown in **Appendix 1** attached to and forming part of this bylaw; and renumber all subsequent subsections chronologically.
- 1.6 **Part D ZONES**, Section D.3 **COMMERCIAL AND INDUSTRIAL ZONES**, Subsection **D.3.3 District Commercial 1(DC1)**, Article D.3.3.3 **Regulations**, Clause D.3.3.3.b. **Buildings and Structures Siting Requirements**, Item D.3.3.3.b.iii. is amended by replacing “D.3.3.3.ii” with “D.3.4.3.ii”.
- 1.7 **Part D ZONES**, Section D.3 **COMMERCIAL AND INDUSTRIAL ZONES**, Subsection **D.3.6 Local Commercial 3 – Garden Centres(LC3)**, Article **D.3.6.1 Permitted Uses**, Clause **D.3.6.1.b. Permitted Accessory Uses**, Item **D.3.6.1.b.iii** is amended by deleting the words “except on lands shown on Schedule C, Map 12”.
- 1.8 **Part D ZONES**, Section D.3 **COMMERCIAL AND INDUSTRIAL ZONES**, Subsection **D.3.6 Local Commercial 3 – Garden Centres(LC3)**, Article **D.3.6.1 Permitted Uses**, Clause **D.3.6.1.b. Permitted Accessory Uses**, Item **D.3.6.1.b.iv** is deleted in its entirety.

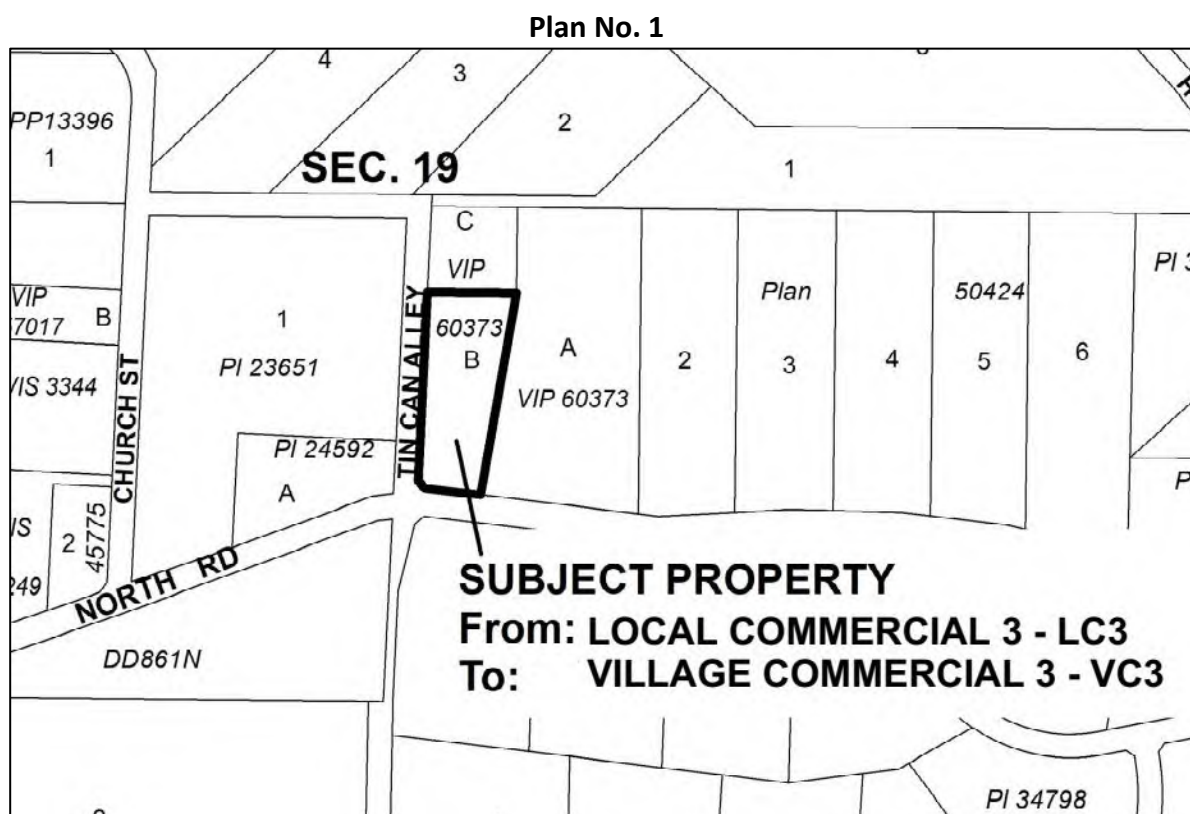
1.9 **Part D ZONES**, Section D.3 **COMMERCIAL AND INDUSTRIAL ZONES**, Subsection **D.3.6 Local Commercial 3 – Garden Centres(LC3)**, Article **D.3.6.2 Buildings and Structures**, Clause **D.3.6.2.a. Permitted Buildings and Structures**, Item **D.3.6.2.a.iv** is deleted in its entirety.

1.10 **Part G**, Section G.1 **DEFINITIONS**, is amended by deleting the following definition:

“farm supply centre a business for the retail sale of farm supplies, but excluding the sale of farm equipment;”

2. **Schedule “B”** of Gabriola Island Land Use Bylaw, 1999 is amended as follows:

2.1. Schedule “B” – North Sheet, is amended by changing the zoning classification of Lot B, Plan VIP50373, Section 19, District 32 (750 Tin Can Alley, Gabriola Island PID 023-005-629) from “Local Commercial 3” to “Village Commercial 3” as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 177 as are required to effect this change.



3. **Schedule “C”** of Gabriola Island Land Use Bylaw, 1999 is amended as follows:

3.1. Schedule “C” – Map 10, is amended by replacing “Item d.3.8.1.a.vii” with “Item d.3.9.1.a.vii”.

3.2. Schedule “C” – Map 12, is deleted in its entirety.

- 3.3. Schedule “C” – Map 17, is amended by replacing “Items D.3.8.1.a.v and D.3.8.1.a.viii” with “Items D.3.9.1.a.v and D.3.9.1.a.viii”.

**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 319**

Appendix 1

D.3.3 Village Commercial 3 (VC3)

D.3.3.1 Permitted Uses

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Village Commercial 3 (VC3) zone:

a. Permitted *Principal* Uses

- i *garden centre*
- ii retail sales and rentals
- iii *personal services*
- iv *restaurant*
- v bakeries
- vi offices
- vii *limited public market*, subject to Subsection B.6.2

b. Permitted *Accessory* Uses

- i *single family* residential
- ii *two family dwelling* residential
- iii mini-storage

D.3.3.2 Buildings and Structures

The *buildings* and *structures* permitted in Article B.1.1.2, plus the following *buildings* and *structures* and no others are permitted in the Village Commercial 3 (VC3) zone:

a. Permitted *Buildings* and *Structures*

- i *Buildings* and *structures* to accommodate *principal* uses set out in this zone which must be connected to a freshwater collection system with a minimum storage capacity of 22,500 litres (5,944 US gallons).
- ii Maximum of:
 - two *dwelling units* per lot; and
 - two *buildings* per lot that exclude a *pump/utility house* and woodshed, and that are *accessory* to a *dwelling unit*.
- iii The maximum permitted floor area of a *dwelling unit* is 90 square metres (968 square feet)
- iv Other *buildings* and *structures* to accommodate the permitted accessory uses set out in this zone.

D.3.3.3 Regulations

The general regulations in Part B, plus the following regulations apply in the Village Commercial 3 (VC3) zone:

a. Buildings and Structures Height Limitations

- i The maximum *height* of *buildings* and *structures* is 9.0 metres (29.5 feet).

b. Buildings and Structures Siting Requirements

- i The minimum *setback* for *buildings* or *structures* except for a sign, *fence*, or *pump/utility house* is:
 - 6.0 metres (19.7 feet) from the *front lot line*;
 - 6.0 metres (9.8 feet) from any *interior lot line*, except where the *interior lot line* abuts a commercial or industrial *zone* in which case there is no *setback* requirement from the *interior lot line*; and
 - 3.0 metres (9.8 feet) from another *building* sited on the same *lot*.
- ii There is no *setback* requirement from any *exterior side lot line*, except for mini-storage units in which case the minimum *setback* is 4.5 metres.
- iii *Dwelling units* must be located within the building envelope of a commercial building.

c. Lot Coverage Limitations

- i The maximum combined *lot coverage* by *buildings* and *structures* is 40 percent of the *lot* area.

d. Lot Area Requirements for Subdivision

- i The minimum average *lot* area and the minimum *lot* area is 1.0 hectare (2.47 acres).

e. Mini-Storage Limitations

- i The maximum *floor area* is 9.3 square metres (100 square feet) per mini-storage unit.
- ii Mini-storage units must be separated from a highway or from land with zoning permitting a *principal* residential use by a landscape screen, subject to subsection B.2.7, not less than 2.0 metres (6.6 feet) in *height*.