

DATE OF MEETING: September 10, 2020
TO: North Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: NP STVR Review – TUP Guideline Amendments

RECOMMENDATION

1. That the North Pender Island Local Trust Committee request staff to prepare a draft Official Community Plan amendment bylaw for the STVR Review project in accordance with the staff report dated September 10, 2020.

REPORT SUMMARY

The purpose of this report is to provide potential amendments to the Temporary Use Permit (TUP) guidelines for Short Term Vacation Rentals (STVRs) as part of the LTC Top Priority Project – STVR Review.

BACKGROUND

At the July 2, 2020 LTC regular meeting the North Pender Island, the following resolutions were passed:

NP-2020-031

It was Moved and Seconded,
that the North Pender Island Local Trust Committee request that staff identify amendments to the guidelines for Temporary Use Permits for Short Term Vacation Rentals in primary dwellings.

NP-2020-032

It was Moved and Seconded,
that the North Pender Island Local Trust Committee request that staff revise the project charter to reflect the change in approach.

Background information regarding the project and the updated Project Charter can be found on the North Pender Project webpage: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/projects-initiatives/np-stvr-review-project/>

ANALYSIS

TUP Guideline Amendments:

An online survey and emailed survey to STVR operators with TUPs were conducted in March 2020. The staff report presented at the July 2, 2020 North Pender LTC meeting summarized the comments gathered. The results of consultation indicated that while many felt STVRs bring a number of benefits to the community, there were

also recurring issues – cumulative effects of multiple STVRs in a small area, the circulation of approved permits to neighbours, and concerns with increased noise, traffic and water consumption. The LTC direction to staff is to provide potential amendments to guidelines that would address the identified issues.

The following chart lists current TUP Guidelines along with recommended amendments:

Table 1.0 – Recommended TUP Guideline Amendments

Current TUP Guidelines:	Comments and Recommended Amendments:
6.4.1 For the purpose of a temporary use permit, “short term vacation rental” means the use of a dwelling or cottage as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier.	No change.
6.4.2 The Local Trust Committee may consider issuance of a short term vacation rental permit provided the proposal would not alter the residential appearance of the residence.	No change.
6.4.3 The Local Trust Committee should consider the cumulative effects on the neighbourhood and Island of all the temporary use permits issued for short term vacation rentals.	This guideline has proved challenging to implement in a case-by-case basis. Recommendation is to amend the guideline to specify that no more than 2 STVR TUPs within a 100 metre radius.
6.4.4 The landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use. A pump test or other report may be requested in the application process. Where there is inadequate groundwater, a rainwater cistern may be required as a condition of the permit. If the lot is served by a community water system, the application should be referred to the water system for information.	To date, almost all applications have been within the Magic Lake water system. The proposal is to amend this provision to have two guidelines in order to distinguish requirements for properties that are serviced by a private well versus a community water system. -Private well requirements: must demonstrate well has adequate quality and quantity of water for STVR use. A pump test, professional report, or rainwater system may be a condition of the permit. -Community Water System: referral to community water system is required. -Add a guideline that STVR TUPs should not be issued within the Trincomali Improvement District.
6.4.5 The landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles.	No change.
6.4.6 If the proposal is located on a property identified as containing a sensitive ecosystem, the permit should require that the landowner provide information for guests indicating	No change.

the location of the sensitive areas, and information on how to avoid impacting the sensitive features.	
6.4.7 The Permit should restrict advertising to one unilluminated sign, with a maximum area of 0.6 m ² .	No change.
6.4.8 The permit should require that the owner or other contact be available on North or South Pender Island by telephone 24 hours/day, seven days per week.	Add that the name and contact number of property owner and/or the on island contact person must be provided to guests upon arrival.
6.4.9 The permit should require the owner or manager provide neighbours within a 200 metre radius of the vacation rental with the owner or manager's phone number, and a copy of the temporary use permit.	This have proved a challenge, recommendation is to change the radius to 100 metres. This would be consistent to the legislative requirement of 100 metres for TUP notification and applicants be provided with map of properties that received TUP notice.
6.4.10 The permit should require the landowner post the following information for guests: a) remind guests that the property is located in a residential area; b) information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted); c) emergency service contact information, and to provide a means for contacting them;	Change 'c' so it reads: "emergency services contact information, and to provide a means for contacting them if property is located in an area with no cellular reception." Add an additional guideline that the landowner must provide name and contact number of property owner and/or the on island contact person who is available by telephone 24 hours/day, seven days/week.
6.4.11 The Local Trust Committee may consider issuing a permit to operate a short term vacation rental in an accessory building if the total floor area of all buildings on the property do not exceed 185 m ² , and if the building has received an occupancy permit for residential use under the BC Building Code.	Recommending removing this guideline. Accessory buildings should not be used for human habitation as stated in Subsection 3.4.1 of the North Pender Land Use Bylaw. Once an accessory building has been converted to residential occupancy it is unlikely to be converted back to accessory occupancy
6.4.12 In addition to any other conditions the LTC may consider appropriate, in some situations the permit may: a) Limit the number of bedrooms that can be used for short term vacation rentals; b) require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening; c) require the landowner/operator to post contact information and permit information at the entrance to the property; d) prohibit camping or occupancy of RVs on the property; e) prohibit the rental or provision of motorized personal watercraft; f) prohibit watercraft that has been brought from off island to	Some of the more contentious TUP applications in Magic Lake estates have been for larger dwellings that can accommodate a significant number of guests. The recommendation is to amend this guideline to: - Add guideline that the permit should restrict the maximum number of guests to 6 on smaller lots. - Add a guideline that TUPs should not be considered for larger

be used on Magic Lake or Buck Lake; g) prohibit outdoor fires; and h) establish the dates during which the use may occur.	dwellings on smaller lots or in small lot neighbourhoods.
6.4.13 A temporary use permit for a short term vacation rental on a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.”	No change.
6.4.14 A temporary use permit may not be issued for a short term vacation rental within a secondary suite.	No change.
Proposed new guideline	<p>One of the issues for neighbours, and for staff and the LTC, has been STVRs where the owners are absentee and have little or no presence in the neighbourhood, in contrast to properties the where owners make regular use of the it themselves.</p> <p>Recommended new guideline would be to:</p> <ul style="list-style-type: none"> - Add a general guideline stating that TUPs should not be considered for dwellings that are not also used by the owners and relevant conditions may be included in the permit.

Staff are of the opinion that the most effective and efficient way to reduce traffic, noise and water consumption is to restrict the maximum number of guests staying at STVRs. As seen in Section 6.4.12 in the table above, staff are recommending adding a guideline that would restrict the maximum number of guests to 6 and would provide a guideline that TUPs for STVRs in larger dwellings, particularly in small lot neighbourhoods, not be considered. Given the diversity in lot sizes, a specific maximum floor area is not being included, although that may be a consideration as the draft bylaw proceeds.

Limiting the number of days or weeks per year a STVR may operate could also contribute to a reduction of traffic, noise and water consumption but comes with a number of issues. With current enforcement staffing it would be difficult to monitor and enforce the number of weeks all STVRs are in use within a calendar year. Due to these constraints, staff are not recommending adding a guideline to specifically limit the number of weeks of STVR use for all TUPs. Rather, staff are recommending that the LTC consider a more general guideline that TUPs should not be considered for applications where the dwelling is not used at all by the owners and that conditions may be included in TUPs on a case by case basis.

It should be noted that the North Pender LTC has the discretion to approve a TUP even though it does not comply with all the TUP guidelines. For example, if an applicant wishes to apply for a STVR TUP with a maximum number of 10 guests and provides a strong rationale, the LTC could approve a TUP permitting more than 6 guests.

Consultation

As the project would involve an OCP amendment, the LTC is required by the *Local Government Act* to consider opportunities for consultation with persons, organizations and authorities it considers will be affected. Staff have identified the following agencies and First Nations for referrals:

- Capital Regional District – Building Inspection
- Capital Regional District - Magic Lake Water and Sewer Committee
- Ministry of Municipal Affairs & Housing
- BC Assessment Authority
- Mayne Island Local Trust Committee
- Saturna Island Local Trust Committee
- South Pender Island Local Trust Committee
- Salt Spring Island Local Trust Committee
- Islands Trust – Bylaw Enforcement

- Razor Point Improvement District
- Trincomali Water Improvement District

- Cowichan Tribes
- Halalt First Nation
- Lake Cowichan First Nation
- Lyackson First Nation
- Malahat First Nation
- Pauquachin First Nation
- Penelakut Tribe
- Semiahmoo First Nation
- Stz'uminus First Nation
- Tsartlip First Nation
- Tsawout First Nation
- Tsawwassen First Nation
- Tseycum First Nation

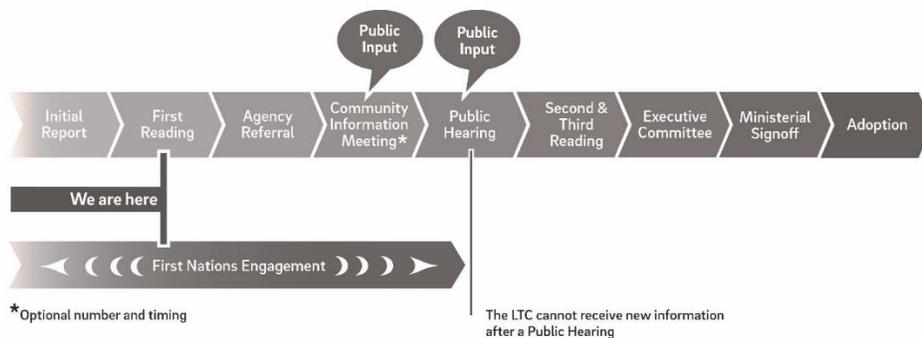
The LTC should consider if it wishes to undertake additional consultation than identified above and direct staff accordingly.

Timeline

The [project charter](#) provides the timeline for the project, but generally the process for OCP amendments are as follows:

- LTC gives direction to staff to draft bylaws;
- LTC gives first reading;
- Bylaw referrals sent, with comments to be received prior to Public Hearing;
- Community Information Meeting and Public Hearing held;
- LTC gives direction for second and third reading;
- Proposed bylaw referred to Executive Committee and the Minister of Municipal Affairs & Housing for approval; and
- LTC gives final reading and adopts bylaw.

Once the draft bylaws are prepared, the following graphic outlines the process



Islands Trust Policy Statement:

An Islands Trust Policy Statement checklist will be provided with a subsequent staff report once direction has been given to draft an amendment bylaw.

Rationale for Recommendation

The consultation completed to date demonstrates that Short Term Vacation Rentals are generally supported on North Pender although some issues have been raised. In order to mitigate those issues, staff recommend amending the OCP TUP guidelines in order to address concerns, particularly to reduce traffic, noise and water consumption issues.

ALTERNATIVES

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

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee request staff to provide further information on...

2. Direction to draft bylaw with additional amendments

The LTC may wish to proceed with drafting an OCP amendment bylaw but with additional amendments not stated in this report. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee request staff to prepare a draft Official Community Plan amendment bylaw for the STVR Review project in accordance with the staff report dated September 10, 2020 and include the following additional amendments:...

3. Proceed no further

The LTC may choose to make no changes to STVR TUP guidelines. The project will be considered complete.

NEXT STEPS

Staff will draft an OCP amendment bylaw to amend the TUP section of the OCP based on the recommendations found in Table 1.0 and present it at the next LTC meeting in order for the LTC to consider first reading of the bylaw. A bylaw referral will be sent out after first reading.

Submitted By:	Kim Stockdill Island Planner	September 1, 2020
Concurrence:	Robert Kojima, Regional Planning Manager	September 2, 2020