

DATE OF MEETING: November 26, 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 – Second Reading & CIM/Public Hearing Scheduling

## RECOMMENDATION

1. That the North Pender Island Local Trust Committee request staff to schedule a Community Information Meeting and Public Hearing for Bylaw No. 222, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2020”.

## REPORT SUMMARY

The purpose of this report is to provide a project update and to outline the next steps for the Short Term Vacation Rental (STVR) project.

## BACKGROUND

A draft Official Community Plan (OCP) bylaw No. 222 was presented to the North Pender Island Local Trust Committee (LTC) at the October 29<sup>th</sup>, 2020 regular LTC meeting. The LTC then passed the following resolutions:

### NP-2020-049

#### **It was Moved and Seconded,**

that the North Pender Island Local Trust Committee Bylaw No. 222, cited as the “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2020”, be read a first time.

### NP-2020-050

#### **It was Moved and Seconded,**

that the North Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 222, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2020”, is not contrary to or at variance with the Islands Trust Policy Statement.

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/>

The staff report presented at the October 29<sup>th</sup> LTC meeting stated that a subsequent staff report will be presented at the November meeting outlining comments received to date, and to outline options for scheduling a Community Information Meeting (CIM) and a Public Hearing for proposed Bylaw No. 222.

## ANALYSIS

### ***Proposed Bylaw No. 222***

Proposed Bylaw No. 222 amends the Temporary Use Permit (TUP) section of the North Pender OCP for STVRs. The proposed bylaw includes, but not limited to, the following amendments to the TUP guidelines for STVRs:

- Restriction on the number of STVR TUPs (no more than one TUP STVR within a 200 metre buffer from another TUP STVR);
- Additional drinking water guidelines and restrictions;
- Amended notification requirements and additional contact information guidelines;
- Limit the number of guests to 6 within Magic Lake Estates Water System Area;
- Limit number of days a STVR may operate during the summer months to a total of 30 days; and
- A restriction on STVR TUP applications from absentee property owners.

If the LTC is proposes to make minor amendments to the bylaw, a draft resolution is included in the 'Alternatives' section of this staff report. Furthermore, making amendments after First Reading may require the bylaw to be resent out for referral. A bylaw may be altered after the public hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner's consent.

### ***Consultation***

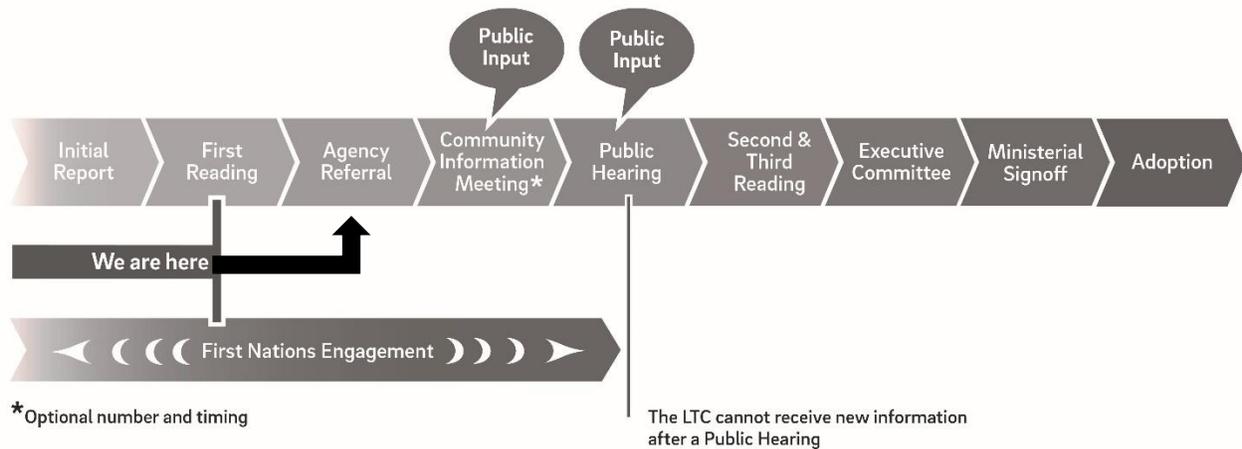
Staff have referred Bylaw No. 222 to the agencies and First Nations outlined in the October 29, 2020 staff report. At the time of writing this report, no responses from agencies or First Nations have been received. All comments received will be forwarded to the North Pender LTC and will be included in the Public Hearing binder.

There have been a few pieces of correspondence received from community members. Comments from the correspondence include, but are not limited to, a request for the LTC to consider: increasing the 200 metre buffer to 500 metres, changing the notification requirements, and to amend the summer rental requirements (increase the limit of 30 days, or change the limits to two weeks out of every four weeks). Correspondence received to date can be found on the North Pender STVR Project webpage:  
<http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/projects-initiatives/np-stvr-review-project/>

### ***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.



### **Statutory Requirements**

In accordance with regular statutory requirements, a Public Hearing is required for any bylaw amendment and it is normal practice to hold a CIM prior to that. Staff are recommending that the CIM be scheduled in conjunction with the Public Hearing given there has already been extensive public and stakeholder consultation on this topic.

If LTC decides to proceed with a Public Hearing, LTC will need to decide whether it be scheduled as part of a regular LTC meeting or a Special Meeting. The Public Hearing notice would be posted as per statutory and bylaw requirements in advance of the Public Hearing.

The project is currently on schedule as the Project Charter’s timeline includes a public hearing to be scheduled for February 2021. Staff are recommending the CIM and Public Hearing for proposed Bylaw No. 222 be scheduled for the February 25, 2021 NP LTC regular meeting.

### **Rationale for Recommendation**

Staff are recommending that the LTC schedule a CIM and Public Hearing in early 2021 based on the following:

- The LTC completed community consultation at the beginning of the project (online survey);
- The proposed bylaw addresses a number of issues and concerns raised during the community consultation;
- Bylaw referral deadline is mid to late December. Staff will bring back the proposed bylaw for second reading and with all correspondence received from the referral for the January 28<sup>th</sup>, 2021 LTC meeting.

### **ALTERNATIVES**

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

#### **1. Conduct a CIM on a separate day prior to the Public Hearing.**

The LTC may consider conducting a CIM electronically on a day prior to holding a Public Hearing.

Resolution:

*That the North Pender Island Local Trust Committee direct staff to schedule an electronic Community Information Meeting for proposed Bylaw No. 222 on a day prior to the Public Hearing for proposed Bylaw No. 222.*

**2. Minor amendments to the Proposed Bylaw No. 222.**

The LTC may consider making amendments to Proposed Bylaw No. 222. If the amendments are minor and do not require the bylaw to be rescinded, the following resolution can be used.

Resolution:

*That Bylaw No. 222, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2020” be amended as follows:...*

**3. 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.

Resolution:

*That the North Pender Island Local Trust Committee request that staff provide the following additional information:\_\_\_\_\_.*

**4. Receive for information**

The LTC may receive the report for information.

**NEXT STEPS**

Based on direction from LTC, staff will make arrangements for a Public Hearing in conjunction with a CIM for the February 2021 LTC meeting. Staff will also prepare a staff report for the January 2021 LTC meeting summarizing comments from the referrals and for the LTC to consider second reading of proposed Bylaw No. 222.

Submitted By:	Kim Stockdill Island Planner	November 17, 2020
Concurrence:	Robert Kojima, Regional Planning Manager	November 17, 2020

Attachment:

1. Proposed Bylaw No. 222

# PROPOSED

## NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 222

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### A BYLAW TO AMEND NORTH PENDER ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 171, 2007

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The North Pender Island Local Trust Committee enacts in open meeting assembled as follows:

1. CITATION

This Bylaw may be cited for all purposes as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2020”.

2. SCHEDULES

North Pender Island Official Community Plan No. 171, 2007 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME THIS	29TH	DAY OF	OCTOBER,	2020
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
APPROVED BY THE MINISTER MUNICIPAL AFFAIRS AND HOUSING THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
SECRETARY

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 222**

**SCHEDULE 1**

The North Pender Island Official Community Plan Bylaw No. 171, 2007, is amended as follows:

1. By deleting Part 6 Temporary Use Permits and replacing it with the following:

**“PART 6                      TEMPORARY USE PERMITS**

An Official Community Plan may designate areas where temporary uses may be allowed. A temporary use permit may allow a use not permitted by zoning, specify conditions under which the temporary use may be carried on, and allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued. A permit may be issued for a period of up to three years and may be renewed only once, after which a new application is required.

**Temporary Use Permit Policies and Guidelines**

- 6.1 The North Pender Island Local Trust Committee may issue temporary use permits for any area covered by this plan.
- 6.2 The Local Trust Committee may consider requiring development information for temporary use permit applications through adoption of a development approval information bylaw.
- 6.3 The Local Trust Committee should consider the climate change impacts of any significant change in use in reviewing temporary use permit applications.
- 6.4 In addition, the following guidelines apply when the Local Trust Committee is considering the issuance of a short term vacation rental temporary use permit:
  - 6.4.1 For the purpose of a temporary use permit, “short term vacation rental” means the use of a dwelling, cottage, or secondary suite 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.
  - 6.4.2 The Local Trust Committee may consider issuance of a short term vacation rental temporary use permit provided the short term vacation rental use would not alter the residential appearance of the residence.
  - 6.4.3 The Local Trust Committee should consider the cumulative effects on the neighbourhood and Island of all temporary use permits issued for short term vacation rentals.

- 6.4.4 The Local Trust Committee should not approve more than one short term vacation rental temporary use permit within a 200 metre radius from another short term vacation rental temporary use permit.
- 6.4.5 The applicant should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use.
- 6.4.6 If the property is serviced by a private well, the applicant must demonstrate the well has adequate quality and quantity of water for the short term vacation use. A pump test, professional report, or rainwater system may be required for the application or as a condition of the permit.
- 6.4.7 If the property is serviced by a community water system, the application should be referred to the water system for information.
- 6.4.8 A short term vacation rental temporary use permit should not be issued if located within the Trincomali Improvement District.
- 6.4.9 The applicant should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles.
- 6.4.10 If the proposal is located on a property identified as containing a sensitive ecosystem, the temporary use permit should require that the applicant provide information for guests indicating the location of the sensitive areas, and information on how to avoid impacting the sensitive features.
- 6.4.11 The temporary use permit should restrict advertising to one unilluminated sign, with a maximum area of 0.6 m<sup>2</sup>.
- 6.4.12 The temporary use permit should require that the owner or other designated contact be available on North or South Pender Island by telephone or email at all times when the short term vacation rental is in use.
- 6.4.13 The temporary permit should require the owner or manager provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number and email, and a copy of the temporary use permit.
- 6.4.14 The permit should require the applicant 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 services contact information, and to provide a means for contacting them if the property is located in an area with no cellular service; and

- d) the applicant provide the name and contact information of the property owner or designated contact who is available on North or South Pender Island at all times when the short term vacation rental is in use.

6.4.15 In addition to any other conditions the Local Trust Committee 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) limit the number of guests to 6 for properties located within the Magic Lake Estates Water System Area;
- c) limit the number of days the short term vacation rental may be in use from the period of May 1 to September 30 in a calendar year to a total of thirty days;
- d) require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening;
- e) require the landowner/operator to post contact information and permit information at the entrance to the property;
- f) prohibit camping or occupancy of RVs on the property;
- g) prohibit the rental or provision of motorized personal watercraft;
- h) prohibit watercraft that has been brought from off island to be used on Magic Lake or Buck Lake;
- i) prohibit outdoor fires; and
- j) establish the dates during which the use may occur.

6.4.16 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.

6.4.17 A temporary use permit may be issued for a short term vacation rental within a secondary suite.

6.4.18 An application for a short term vacation rental temporary use permit should not be considered if the dwelling unit is not occupied on a regular basis by the property owners.