



# **PUBLIC HEARING**

## **SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE**

**March 5, 2021**

**Electronic Meeting (Zoom Webinar)  
PROPOSED BYLAW NO: 119 and 120**

**Project: Short Term Vacation Rental (STVR) Review**

### **RELEVANT BACKGROUND INFORMATION REFERENCE BINDER**



#### ***CHAIR'S OPENING STATEMENT***

#### **1. NOTICE OF PUBLIC HEARING**

#### **2. SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE PROPOSED BYLAW**

- a. Bylaw No. 119 – South Pender Island OCP Bylaw No. 107, 2011, Amendment No. 1, 2020
- b. Bylaw No. 120 - South Pender Island LUB No. 114, 2016, Amendment No. 1, 2020

#### **3. REFERRALS TO AGENCIES & FIRST NATIONS**

- a. Bylaw Referral – No. 119 and 120
- b. Bylaw No. 119 Agencies and First Nations Referral Responses Received
- c. Bylaw No. 120 Agencies and First Nations Referral Responses Received

#### **4. RELEVANT MINUTES/RESOLUTIONS WITHOUT MEETING**

- a. January 29, 2021
- b. November 6, 2020
- c. September 4, 2020
- d. June 4, 2020

**5. STAFF REPORTS / MEMOS**

- a. January 29, 2021
- b. November 6, 2020
- c. September 4, 2020
- d. May 1, 2020

**6. CORRESPONDENCE**

- a. Alma Lightbody – January 8, 2021
- b. Jane Perch – January 6, 2021
- c. Peter Brooke – September 3, 2020

**7. PUBLIC HEARING SUBMISSIONS**

- a. Mariette and Neville West – March 3, 2021
- b. Gordie Duncan – March 3, 2021
- c. Jim MacDonald – March 3, 2021
- d. Harvey Weinstein – March 3, 2021
- e. Donna Spalding – February 28, 2021
- f. Paul Petrie – March 3, 2021
- g. Ginger Talbot – March 4, 2021
- h. Paul Williamson – March 4, 2021
- i. Andrew Purcell – March 4, 2021
- j. Audrey Green – March 4, 2021
- k. Judith Allen – March 4, 2021
- l. Cathy and Larry Whitehead – March 4, 2021
- m. Peter Brooke – March 4, 2021
- n. Everest MacDonald – March 4, 2021
- o. Sonya and John Fulawka – March 4, 2021
- p. Richard Christy – March 4, 2021

**8. OTHER**

- a. STVR Project Charter
- b. Project Background

## **CHAIRPERSON'S OPENING STATEMENT**

"This Public Hearing is being convened pursuant to Section 465 of the *Local Government Act* in order to consider the following proposed bylaw(s):

- **Proposed Bylaw No. 119 – cited as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020".**
- **Proposed Bylaw No. 120 – cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2020".**

All persons who believe that their interest in property is affected by the proposed bylaw(s) will be given a reasonable opportunity to be heard or to present written submissions respecting matters contained in the proposed bylaw(s).

Those wishing to speak should commence their presentation by clearly stating their name and address.

Members of the Local Trust Committee may, if they wish, ask questions of you following your presentation. However, the main function of the Local Trust Committee members is to listen to the views of the public. It is not the function of Committee members to debate the merits of the proposed bylaw(s) with individual citizens.

Everyone will be given a reasonable opportunity to be heard and none should feel discouraged from presenting his or her views.

In considering the proposed bylaw(s), the Local Trust Committee has received documents, which may influence its decision. Those documents are available for review during this hearing **on our website and as indicated in the public hearing notice.**

Any person who wishes to present a written submission to the Local Trust Committee may do so and all written submissions must be received by the Local Trust Committee before the close of the hearing.

Your only opportunity to comment on the proposed bylaw(s) is during this hearing, as members of the Local Trust Committee may not receive further submissions after the close of the hearing.

After this Public Hearing has concluded, the Local Trust Committee may, without further notice, make whatever decision it deems proper with respect to the bylaw(s) that are the subject of the Public Hearing."



# OCP and LUB Amendments for Short Term Vacation Rentals Bylaws 119 & 120

**Have  
Your  
Say**

**March 5, 2021**

CIM - 10:30 a.m.  
Public Hearing  
to follow CIM

## Zoom Meeting

Phone (Toll Free):

Canada: 833 958 1164

US: 833 955 1088

[https://islandstrust.  
zoom.us/j/68599247049](https://islandstrust.zoom.us/j/68599247049)

Webinar ID Code:  
685 9924 7049

## Who should attend?

Anyone affected by  
the proposed bylaws

## Enquires?

Kim Stockdill  
Island Planner:  
250-405-5157  
[kstockdill@  
islandstrust.bc.ca](mailto:kstockdill@islandstrust.bc.ca)



## PUBLIC HEARING

SOUTH PENDER LOCAL TRUST COMMITTEE

### What are the bylaws about?

The Local Trust Committee (LTC) is reviewing Short Term Vacation Rental (STVR) policies as part of their Top Priority Project.

Draft Bylaw No. 119 would amend the Temporary Use Permit (TUP) section in South Pender Island Official Community Plan (OCP) Bylaw No. 107, 2011 in order to add new STVR TUP guidelines. Draft Bylaw No. 120 would remove STVRs as a home occupation use in Land Use Bylaw (LUB) No. 114, 2016.

The Community Information Meeting will be held prior to the Public Hearing to provide the opportunity for members of the public to ask questions about the proposed bylaw amendments.

### How do I get more information?

A copy of the electronic public hearing binder and details on connecting to **Zoom** is available online:

<http://www.islandstrust.bc.ca/spender/sp-news/>

A copy of the bylaw, the Public Hearing Binder and other information on the project is available at the Islands Trust Victoria office from 8:30 a.m. to 4:30 p.m. Monday to Friday, excluding statutory holidays, February 19 to March 4, 2021, or online:

<http://www.islandstrust.bc.ca/spender/stvr-project/>

### Written submissions?

Send by 4:30 p.m., March 4, 2021 to:

- Islands Trust, 200-1627 Fort Street, Victoria, BC V8R 1H8, or
- Email: [vicphsub@islandstrust.bc.ca](mailto:vicphsub@islandstrust.bc.ca)

*Note: All submissions received become part of the public record.*



# PROPOSED

## SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE

### BYLAW NO. 119

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#### A BYLAW TO AMEND SOUTH PENDER ISLAND OFFICIAL COMMUNITY PLAN

#### BYLAW NO. 107, 2011

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

1. CITATION

This Bylaw may be cited for all purposes as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020".

2. SCHEDULES

South Pender Island Official Community Plan No. 107, 2011 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 19<sup>TH</sup> DAY OF JANUARY 2021.

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\_\_

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CHAIR

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SECRETARY

**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 119**

**SCHEDULE 1**

The South Pender Island Official Community Plan Bylaw No. 107, 2011, is amended as follows:

1. Clause 3.1.2(a)(ii) is amended by deleting “short-term rental of a single family dwelling;”.
2. Article 3.1.2 (e) (Background) is amended by deleting “Short-term rentals of dwellings provide economic return, offer the visitor an opportunity to experience rural island living, and are an alternative form of accommodation to bed and breakfast or commercial resorts.”
3. Clause 3.1.2(e)(i) is amended by deleting the third bullet “Lots having more than one cottage are limited to using not more than one cottage for short-term rental at any one time.”
4. By deleting Clause 3.1.2(e)(ii) “Short-term Rental of Single Family Dwellings” in its entirety.
5. Clause 3.5.2(d)(iv) is amended by deleting “including short-term rental of a single family dwelling and”.
6. Clause 3.6.2(b)(iii) is amended by deleting “short-term rental of a single family dwelling;”.
7. By adding the following to Section 8.2 (Temporary Use Permit Policies):

“8.2.6 In addition, the following guidelines apply when the Local Trust Committee is considering the issuance of a short term vacation rental temporary use permit:

- a) 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.
- b) 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.
- c) 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.

- d) In addition to any other conditions the Local Trust Committee may consider appropriate, in some situations the temporary use permits may consider the concentration or clustering of short term vacation rentals in any one area.
- e) The Local Trust Committee should not approve more than 20 short term vacation rental temporary use permits.
- f) The applicant should demonstrate that the property is able to accommodate off-street parking for a minimum of four vehicles.
- g) 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.
- h) The temporary use permit should restrict advertising to one unilluminated sign, with a maximum area of 1.0 m<sup>2</sup>.
- i) The temporary use permit should require that the owner or other designated contact be available on South or North Pender Island by telephone or email at all times when the short term vacation rental is in use.
- j) The temporary use permit should require the owner or manager to 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.
- k) The permit should require that the applicant post the following information for guests:
  - i. remind guests that the property is located in a residential area;
  - ii. 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);
  - iii. 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,
  - iv. the applicant provide the name and contact information of the property owner or designated contact who is available on South Pender Island at all times when the short term vacation rental is in use.
- l) In addition to any other conditions the Local Trust Committee may consider appropriate, in some situations the permit may:
  - i. limit the number of bedrooms that can be used for short term vacation rentals;
  - ii. limit the number of guests who are 18 years of age or older to four;
  - iii. 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;
  - iv. require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening;
  - v. prohibit camping or occupancy of RVs on the property;
  - vi. prohibit the rental or provision of motorized personal watercraft;

- vii. prohibit outdoor fires; and
  - viii. establish the dates during which the use may occur.
- m) 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.
- n) A temporary use permit for a short term vacation rental should not be issued in a dwelling or cottage that does not have Occupancy Permit approval.”

# PROPOSED

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 120

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## A BYLAW TO AMEND SOUTH PENDER ISLAND LAND USE BYLAW NO. 114, 2016

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

1. Citation

This bylaw may be cited for all purposes as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2020”.

2. South Pender Island Local Trust Committee Bylaw No. 114, cited as “South Pender Island Land Use Bylaw No. 114, 2016,” is amended as follows:

2.1 Section 1.1 (Definitions) is amended for “home business” by deleting “and includes, where permitted, the use of a cottage for short term vacation rental”.

2.2 Subsection 3.6(1) is amended by deleting “short-term vacation rental of *cottages*,”.

2.3 By deleting Subsection 3.6(9) in its entirety.

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 19<sup>TH</sup> DAY OF JANUARY 2021.

PUBLIC HEARING HELD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_

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READ A THIRD TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_

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ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_

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CHAIR

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SECRETARY



# BYLAW REFERRAL FORM

Suite 200, 1627 Fort Street  
Victoria, B.C. BC V8R 1H8  
Ph: (250) 405-5151  
Fax: (250) 405-5155  
information@islandstrust.bc.ca  
www.islandstrust.bc.ca

**Island:** South Pender Island Local Trust Area **Bylaw No.:** 119 & 120 **Date:** January 14, 2021

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

**APPLICANTS NAME / ADDRESS:**

N/A

**PURPOSE OF BYLAW:**

The South Pender Island Local Trust Committee (LTC) is reviewing the South Pender Land Use Bylaw (LUB) No. 114 Short Term Vacation Rental (STVR) regulations and the Temporary Use Permit (TUP) guidelines for as part of the LTC's Top Priority Project. Draft Bylaw No. 119 would amend the TUP section in the South Pender Island Official Community Plan (OCP) Bylaw No. 171, 2007 in order to add new STVR TUP guidelines. Draft Bylaw No. 120 would remove STVRs has a home occupation use in the South Pender LUB.

Additional project background, including staff reports and results of community engagement, are available on the STVR review project webpage: <http://www.islandstrust.bc.ca/islands/local-trust-areas/south-pender/projects-initiatives/stvr-review-project/>

**GENERAL LOCATION:**

South Pender Island Local Trust Area

**LEGAL DESCRIPTION:**

N/A

**SIZE OF PROPERTY AFFECTED:**

N/A

**ALR STATUS:**

N/A

**OFFICIAL COMMUNITY PLAN DESIGNATION:**

N/A

**OTHER INFORMATION:**

Additional information, including the current bylaws, is available at: [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

Please fill out the Response Summary on the back of this form. If your agency's interests are "*Unaffected*", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: Kim Stockdill

Title: Island Planner  
Contact Info: Tel: 250-405-5157  
Email: kstockdill@islandstrust.bc.ca

**PLEASE TURN OVER →**

This referral has been sent to the following agencies:

**Federal Agencies**

n/a

**Provincial Agencies**

Ministry of Municipal Affairs & Housing  
BC Assessment Authority

**Non-Agency Referrals**

Islands Trust – Bylaw Enforcement

**Regional Agencies**

Capital Regional District – Building Inspection

**Adjacent Local Trust Committees and Municipalities**

Saturna Island Local Trust Committee  
North Pender Island Local Trust Committee

**First Nations**

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  
WSANEC Leadership Council

# BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

South Pender Island Local Trust Area

(Island)

119 & 120

(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency)

# Proposed

## **SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 119**

---

### **A BYLAW TO AMEND SOUTH PENDER ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 107, 2011**

---

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

**1. CITATION**

This Bylaw may be cited for all purposes as “South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020”.

**2. SCHEDULES**

South Pender Island Official Community Plan No. 107, 2011 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.

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THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

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**CHAIR**

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**SECRETARY**

**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 119**

**SCHEDULE 1**

The South Pender Island Official Community Plan Bylaw No. 107, 2011, is amended as follows:

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3. Clause 3.1.2(e)(i) is amended by deleting the third bullet “Lots having more than one cottage are limited to using not more than one cottage for short-term rental at any one time.”
4. By deleting Clause 3.1.2(e)(ii) “Short-term Rental of Single Family Dwellings” in its entirety.
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6. Clause 3.6.2(b)(iii) is amended by deleting “short-term rental of a single family dwelling;”.
7. By adding the following to Section 8.2 (Temporary Use Permit Policies):

“8.2.6 In addition, the following guidelines apply when the Local Trust Committee is considering the issuance of a short term vacation rental temporary use permit:

- a) 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.
- b) 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.
- c) 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.

- d) 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.
- e) The applicant should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use.
- f) 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 or professional report may be required for the application or as a condition of the permit.
- g) The applicant should demonstrate that the property is able to accommodate off-street parking for a minimum of four vehicles.
- h) 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.
- i) The temporary use permit should restrict advertising to one unilluminated sign, with a maximum area of 1.0 m<sup>2</sup>.
- j) The temporary use permit should require that the owner or other designated contact be available on South Pender Island by telephone or email at all times when the short term vacation rental is in use.
- k) The temporary use permit should require the owner or manager to 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.
- l) The permit should require that the applicant post the following information for guests:
  - i. remind guests that the property is located in a residential area;
  - ii. 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);
  - iii. 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,
  - iv. the applicant provide the name and contact information of the property owner or designated contact who is available on South Pender Island at all times when the short term vacation rental is in use.
- m) In addition to any other conditions the Local Trust Committee may consider appropriate, in some situations the permit may:
  - i. limit the number of bedrooms that can be used for short term vacation rentals;
  - ii. limit the number of guests who are 18 years of age or older to four;
  - iii. 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;

- iv. require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening;
  - v. require the landowner/operator to post contact information and permit information at the entrance to the property;
  - vi. prohibit camping or occupancy of RVs on the property;
  - vii. prohibit the rental or provision of motorized personal watercraft;
  - viii. prohibit outdoor fires; and
  - ix. establish the dates during which the use may occur.
- n) 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.
- o) 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."

# Proposed

## SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 120

### A BYLAW TO AMEND SOUTH PENDER ISLAND LAND USE BYLAW NO. 114, 2016

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

1. Citation

This bylaw may be cited for all purposes as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2020”.

2. South Pender Island Local Trust Committee Bylaw No. 114, cited as “South Pender Island Land Use Bylaw No. 114, 2016,” is amended as follows:

2.1 Section 1.1 (Definitions) is amended for “home business” by deleting “and includes, where permitted, the use of a cottage for short term vacation rental”.

2.2 Subsection 3.6(1) is amended by deleting “short-term vacation rental of *cottages*,”.

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APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS  
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ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

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CHAIR

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SECRETARY

DRAFT

## Referrals: Bylaw SP-119

| Agency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Sent        | Received    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------|
| <b>BC Assessment Authority</b><br><i>Policy, Audit and Legal Services: Cathie McIntyre</i>                                                                                                                                                                                                                                                                                                                                                                                                                             | 15-Jan-2021 |             |
| <b>Capital Regional District - All Referrals Christine Condron</b><br><i>625 Fisgard Street: Christine Condron</i>                                                                                                                                                                                                                                                                                                                                                                                                     | 15-Jan-2021 |             |
| <b>Cowichan Tribes</b><br><i>5760 Allenby Rd: Tracey Flemming</i><br><i>Comment: No Comment Received</i>                                                                                                                                                                                                                                                                                                                                                                                                               | 15-Jan-2021 |             |
| <b>Cowichan Tribes</b><br><i>Chief and Council: Candace Charlie</i><br><i>Comment: No Comment Received</i>                                                                                                                                                                                                                                                                                                                                                                                                             | 15-Jan-2021 |             |
| <b>Halalt First Nation</b><br><i>7973 Chemainus Rd: Raven August</i><br><i>Comment: Halalt FN has no comment on this referral.</i>                                                                                                                                                                                                                                                                                                                                                                                     | 15-Jan-2021 | 23-Feb-2021 |
| <b>Halalt First Nation</b><br><i>Chief and Council: Jack Smith</i><br><i>Comment: No Comment Received</i>                                                                                                                                                                                                                                                                                                                                                                                                              | 15-Jan-2021 |             |
| <b>Lake Cowichan First Nation</b><br><i>313B Deer Road: Carole Livingstone</i><br><i>Comment: No Comment Received</i>                                                                                                                                                                                                                                                                                                                                                                                                  | 15-Jan-2021 |             |
| <b>Lyackson First Nation</b><br><i>7973A Chemainus Road: Linda Aidnell</i><br><i>Comment: No Comment Received</i>                                                                                                                                                                                                                                                                                                                                                                                                      | 15-Jan-2021 |             |
| <b>Malahat First Nation</b><br><i>110 Thunder Road, RR4: Heather Adams</i><br><i>Comment: No Comment Received</i>                                                                                                                                                                                                                                                                                                                                                                                                      | 15-Jan-2021 |             |
| <b>Ministry of Municipal Affairs and Housing</b><br><i>Planning and Land Use Management: Kris Nichols</i>                                                                                                                                                                                                                                                                                                                                                                                                              | 15-Jan-2021 |             |
| <b>North Pender Island Local Trust Committee</b><br><i>Islands Trust: Jas Chonk</i><br><i>Comment: NP LTC Responded: that the North Pender Island Local Trust Committee approve recommended Referral South Pender Island Local Trust Committee Bylaws Nos. 119 &amp; 120, subject to the condition that the South Pender Island Trustees review the minutes of the North Pender Island Local Trust Committee Minutes of January 28, 2020 for comments regarding changes to the related North Pender Island Bylaws.</i> | 15-Jan-2021 | 29-Jan-2021 |

## Referrals: Bylaw SP-119

| Agency                                                                                                            | Sent        | Received |
|-------------------------------------------------------------------------------------------------------------------|-------------|----------|
| <b>Pauquachin First Nation</b><br>9010 West Saanich Road: Darlene Henry<br><i>Comment: No Comment Received</i>    | 15-Jan-2021 |          |
| <b>Penelakut Tribe</b><br>Box 360: Denise James<br><i>Comment: No Comment Received</i>                            | 15-Jan-2021 |          |
| <b>Saturna Island Local Trust Committee</b><br>200 - 1627 Fort Street: Jas Chonk                                  | 15-Jan-2021 |          |
| <b>Semiahmoo First Nation</b><br>16049 Beach Rd: Chief & Council<br><i>Comment: No Comment Received</i>           | 15-Jan-2021 |          |
| <b>Tsartlip First Nation</b><br>PO Box 70: Karen Harry<br><i>Comment: No Comment Received</i>                     | 15-Jan-2021 |          |
| <b>Tsawout First Nation</b><br>Box 121: Cathy Webster<br><i>Comment: No Comment Received</i>                      | 15-Jan-2021 |          |
| <b>Tsawwassen First Nation</b><br>1926 Tsawwassen Drive: Victoria Williams<br><i>Comment: No Comment Received</i> | 15-Jan-2021 |          |
| <b>Tseycum First Nation</b><br>1210 Totem Lane: Chief Tanya Jimmy<br><i>Comment: No Comment Received</i>          | 15-Jan-2021 |          |
| <b>WSANEC</b><br>WSANEC Leadership Council Society: Justin Fritz                                                  | 15-Jan-2021 |          |

## Referrals: Bylaw SP-120

| Agency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Sent        | Received    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------|
| <b>BC Assessment Authority</b><br><i>Policy, Audit and Legal Services: Cathie McIntyre</i>                                                                                                                                                                                                                                                                                                                                                                                                                             | 15-Jan-2021 |             |
| <b>Capital Regional District - All Referrals Christine Condron</b><br><i>625 Fisgard Street: Christine Condron</i>                                                                                                                                                                                                                                                                                                                                                                                                     | 15-Jan-2021 |             |
| <b>Cowichan Tribes</b><br><i>5760 Allenby Rd: Tracey Flemming</i><br><i>Comment: No Comment Received</i>                                                                                                                                                                                                                                                                                                                                                                                                               | 15-Jan-2021 |             |
| <b>Cowichan Tribes</b><br><i>Chief and Council: Candace Charlie</i><br><i>Comment: No Comment Received</i>                                                                                                                                                                                                                                                                                                                                                                                                             | 15-Jan-2021 |             |
| <b>Halalt First Nation</b><br><i>7973 Chemainus Rd: Raven August</i><br><i>Comment: Halalt FN has no comment on this referral.</i>                                                                                                                                                                                                                                                                                                                                                                                     | 15-Jan-2021 | 23-Feb-2021 |
| <b>Halalt First Nation</b><br><i>Chief and Council: Jack Smith</i><br><i>Comment: No Comment Received</i>                                                                                                                                                                                                                                                                                                                                                                                                              | 15-Jan-2021 |             |
| <b>Lake Cowichan First Nation</b><br><i>313B Deer Road: Carole Livingstone</i><br><i>Comment: No Comment Received</i>                                                                                                                                                                                                                                                                                                                                                                                                  | 15-Jan-2021 |             |
| <b>Lyackson First Nation</b><br><i>7973A Chemainus Road: Linda Aidnell</i><br><i>Comment: No Comment Received</i>                                                                                                                                                                                                                                                                                                                                                                                                      | 15-Jan-2021 |             |
| <b>Malahat First Nation</b><br><i>110 Thunder Road, RR4: Heather Adams</i><br><i>Comment: No Comment Received</i>                                                                                                                                                                                                                                                                                                                                                                                                      | 15-Jan-2021 |             |
| <b>Ministry of Municipal Affairs and Housing</b><br><i>Planning and Land Use Management: Kris Nichols</i>                                                                                                                                                                                                                                                                                                                                                                                                              | 15-Jan-2021 |             |
| <b>North Pender Island Local Trust Committee</b><br><i>Islands Trust: Jas Chonk</i><br><i>Comment: NP LTC Responded: that the North Pender Island Local Trust Committee approve recommended Referral South Pender Island Local Trust Committee Bylaws Nos. 119 &amp; 120, subject to the condition that the South Pender Island Trustees review the minutes of the North Pender Island Local Trust Committee Minutes of January 28, 2020 for comments regarding changes to the related North Pender Island Bylaws.</i> | 15-Jan-2021 | 29-Jan-2021 |

## Referrals: Bylaw SP-120

| Agency                                                                                                            | Sent        | Received |
|-------------------------------------------------------------------------------------------------------------------|-------------|----------|
| <b>Pauquachin First Nation</b><br>9010 West Saanich Road: Darlene Henry<br><i>Comment:</i> No Comment Received    | 15-Jan-2021 |          |
| <b>Penelakut Tribe</b><br>Box 360: Denise James<br><i>Comment:</i> No Comment Received                            | 15-Jan-2021 |          |
| <b>Saturna Island Local Trust Committee</b><br>200 - 1627 Fort Street: Jas Chonk                                  | 15-Jan-2021 |          |
| <b>Semiahmoo First Nation</b><br>16049 Beach Rd: Chief & Council<br><i>Comment:</i> No Comment Received           | 15-Jan-2021 |          |
| <b>Tsartlip First Nation</b><br>PO Box 70: Karen Harry<br><i>Comment:</i> No Comment Received                     | 15-Jan-2021 |          |
| <b>Tsawout First Nation</b><br>Box 121: Cathy Webster<br><i>Comment:</i> No Comment Received                      | 15-Jan-2021 |          |
| <b>Tsawwassen First Nation</b><br>1926 Tsawwassen Drive: Victoria Williams<br><i>Comment:</i> No Comment Received | 15-Jan-2021 |          |
| <b>Tseycum First Nation</b><br>1210 Totem Lane: Chief Tanya Jimmy<br><i>Comment:</i> No Comment Received          | 15-Jan-2021 |          |
| <b>WSANEC</b><br>WSANEC Leadership Council Society: Justin Fritz                                                  | 15-Jan-2021 |          |

*Correspondence received concerning current applications or projects is posted on the LTC webpage*

## **12. APPLICATIONS AND REFERRALS**

### **12.1 North Pender Local Trust Committee Bylaw No. 222 Referral (for Response)**

Planner Stockdill provided an overview of the referral. She also noted that the North Pender Island LTC held a meeting on January 28, 2021 and made several amendments to the proposed bylaw. Planner Stockdill reviewed each amendment and its rationale in turn.

#### **SP-2021-001**

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

That the South Pender Local Trust Committee respond to the North Pender Local Trust Committee Bylaw No.222 Referral with “interest unaffected”.

**CARRIED**

## **13. LOCAL TRUST COMMITTEE PROJECTS**

### **13.1 STVR Review - Staff Report**

Planner Stockdill provided an overview of the staff report and also offered an update on the North Pender LTC’s STVR review.

The LTC discussed the staff report and draft bylaw, including the following topics:

- Recommended amendments to the Official Community Plan (OCP) should STVRs become regulated with TUPs.
- The rationale for examining STVRs and regulation options.
- Challenges for applying a density radius test.
- Number of vehicles parking spots that should be required.
- Minimum stay restrictions
- Informational material that should be provided to visitors.
- Screening requirements

#### **SP-2021-002**

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

That the South Pender Island Local Trust Committee direct staff to amend Bylaw 119, Item d to state that the Local Trust Committee should not approve more than twenty Temporary Use Permits for Short Term Vacation Rentals.

**CARRIED**

#### **SP-2021-003**

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

That the South Pender Island Local Trust Committee direct staff to remove items e and f from the bylaw.

**CARRIED**

It was requested and acknowledged that staff will return with recommendations on how to monitor and regulate ground water use as it relates to STVR TUPs.

**By general consensus**, the LTC agreed to postpone further discussion of item 13.1 to follow item 13.2

### **13.2 Groundwater Project PowerPoint Presentation**

Chair Patrick invited William Shulba to deliver a presentation and update on the Groundwater Project.

The presentation, which included a slide show delivered through the share-screen function, included the following topics:

- Groundwater sources for South Pender Island
- Factors impacting groundwater recharge
- Data sets available and applications of the data
- Next phase for the project

A discussion of the project moving forward was held and it was noted that a decision on the Top Priorities Projects list would be made later in the meeting.

**Note: The LTC returned to item 13.1 at this time**

#### **SP-2021-004**

**It was Moved and Seconded,**

That the South Pender Island Local Trust Committee direct staff to amend Bylaw 119, clause J, to read "The temporary use permit should require that the owner or other designated contact be available on South or North Pender Island by telephone or email at all times when the short term vacation rental is in use."

**CARRIED**

#### **SP-2021-005**

**It was Moved and Seconded,**

That the South Pender Island Local Trust Committee direct staff to amend Bylaw 119, section m iii to delete "to a total of 30 days" to now read "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."

**CARRIED**

#### **SP-2021-006**

**It was Moved and Seconded,**

That the South Pender Island Local Trust Committee direct staff to amend Bylaw 119, to add "In addition to any other conditions that the Local Trust Committee

may consider appropriate, in some situations the permits may consider the concentration or clustering of Short Term Vacation Rentals in any one area”

**CARRIED**

**SP-2021-007**

**It was Moved and Seconded,**

That the South Pender Island Local Trust Committee direct staff to amend Bylaw 119, to delete section m. v.

**CARRIED**

**SP-2021-008**

**It was Moved and Seconded,**

That the South Pender Island Local Trust Committee direct staff to amend Bylaw 119, to remove section O in its entirety.

**CARRIED**

It was noted that the Pender Island Rescue Fire Chief recommended a requirement for fire inspection as a condition of awarding STVR TUPs. A discussion was held and staff noted that they would forward the bylaw referral to the fire department for response.

**SP-2021-009**

**It was Moved and Seconded,**

That the South Pender Island Local Trust Committee direct staff to amend Bylaw 119, to add “A short term vacation rental temporary use permit should not be issued in a dwelling or cottage that does not have Occupancy Permit approval”

**CARRIED**

A discussion of the creation of a registry and options for managing the database was held. The discussion included the types of data that could be collected and limitations on data collection.

**There was general consent,** that the LTC consider creation of a registry during the implementation phase.

**SP-2021-010**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw Nos. 119 and 120, cited as “South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020” and “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2020”, are not contrary to or at variance with the Islands Trust Policy Statement.

**CARRIED**

**SP-2021-011**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee request staff to schedule a Community Information Meeting and Public Hearing for Bylaw No. 119, cited as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020" and Bylaw No. 120, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2020".

**CARRIED**

**13.3. Alternative Housing Project - Staff Report**

Planner Chadwick provided an overview of the staff report including the history of the project and rationale for staff recommendations.

A discussion was held regarding the use of recreational vehicles for housing, including duration and requirements for siting, sewer and water.

**SP-2021-012**

**It was Moved and Seconded,**

That the South Pender Island Local Trust Committee direct staff to amend Bylaw 121, such that "a maximum of 2 years" is moved to item e and that a clause be inserted that reads "the use of recreational vehicles as a camping unit be limited to a maximum of 60 days per calendar year".

**CARRIED**

**SP-2021-013**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee Bylaw No.121, as amended, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No.1, 2021" be read a first time.

**CARRIED**

**SP-2021-014**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No.121, as amended, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No.1, 2021" is not contrary to or at variance with the Islands Trust Policy Statement.

**CARRIED**

**SP-2021-015**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee request staff to schedule a Community Information Meeting for Bylaw No. 121, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No.1, 2021" as part of the March 5th, 2021 South Pender LTC meeting.3

**CARRIED**

**10. DELEGATIONS**

None

**11. CORRESPONDENCE**

None

*Correspondence received concerning current applications or projects is posted on the LTC webpage*

**12. APPLICATIONS AND REFERRALS**

None

**13. LOCAL TRUST COMMITTEE PROJECTS**

**13.1 Short Term Vacation Rental Review - Staff Report**

Received for information.

Discussed the short term vacation rental (STVR) draft bylaws and the option to consider the removal of bed and breakfast (B&B) operations from home based business classification.

Bylaw 119 is a draft bylaw that would amend the Temporary Use Permit (TUP) section of the OCP.

There was discussion on the following points:

- Deciding cumulative impact of STVRs;
- Developing guidelines for buffer zones with consideration for specific neighbourhoods;
- Defining allowable maximum usage and providing a balanced year-round economy;
- Current health restrictions that apply;
- Creating a list of all South Pender Island STVRs;
- Obtaining input from current STVR operators and the public;
- Process for bylaw amendments and communicating with operators and the public during the process;
- Reducing confusion regarding tourism accommodation;
- Challenges to bylaw enforcement;
- Ability to address neighbour complaints during operations when owners are absent;
- Creating a registration process that will develop a baseline, collect data and support enforcement;
- Accommodating the request from the Fire Chief for fire inspections made possible through TUPs;
- Current operations would be grandfathered in, but new operations would require a TUP;
- Timelines required for discussions regarding bylaw development, amendments and public hearing;

- Upholding the preserve and protect mandate through the TUP tool;
- Consideration of the standards that apply to water and septic capacity as well as the collection of rainwater for irrigation purposes only;
- Decision making on maximum allowable parking;
- Aligning conditions similar to North Pender where practical for South Pender; and
- Assessing the intention of property use through the application process.

Revisions to the draft STVR bylaw will be made and circulated to trustees with option for first reading by resolution without meeting and schedule of second reading at the January meeting. Referrals can go out over December.

The following issues were discussed in relation to B&B (Bed & Breakfast) operations:

- B&Bs differ to STVRs as the operator does live on the property;
- There are likely fewer number of guests at B&Bs;
- There may be less concern for nuisance activities such as parties; and
- B&Bs and STVRs both provide tourist accommodation, but B&B's fall under home based business.

Public input should be sought on B&Bs as this item was not included in the bylaw amendment.

#### **SP-2020-023**

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

that the South Pender Island Local Trust Committee Bylaw No. 119, cited as the "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020", be amended as discussed.

**CARRIED**

### **13.2 Alternative Housing – Staff Report**

Recreational vehicles (RVs) use as a dwelling and for seasonal workers housing was reviewed for an amendment to section 3.10 under Land Use Bylaw (LUB) - Use of Recreational Vehicles. The following issues were discussed:

- The requirement of a time limited building permit where an RV is used as a dwelling;
- The negative impact on bylaw enforcement and other issues that arise with setting time limits to RV use for both seasonal and recreational users;
- Consideration of the use of a TUP for seasonal worker accommodations or allowing outright use in agricultural use zones; and
- Given increased RV use with no intent to build, regulation through a TUP with conditions such as connection to water and septic.
- Do not include provision to allow seasonal use of RVs for periods not exceeding 60 days.

Received for information.

8.1.2 December 16, 2019 Public Hearing Record (for Receipt)

Received for information.

**8.2 Section 26 Resolutions-without-meeting Dated August 2020**

Received for information.

**8.3 Advisory Planning Commission Minutes - None**

**9. BUSINESS ARISING FROM THE MINUTES**

**9.1 Follow-up Action List Dated August 2020**

**10. DELEGATIONS**

**11. CORRESPONDENCE**

*Correspondence received concerning current applications or projects is posted on the LTC webpage.*

**12. APPLICATIONS AND REFERRALS**

**12.1 Saturna Island Local Trust Committee Bylaw No. 132 Referral**

The proposed amendment to their OCP to add information on First Nations history and presence on the Island.

**SP-2020-018**

**It was Moved and Seconded**

that the interests of the South Pender Island Local Trust Committee are unaffected by Saturna Island Local Trust Committee Bylaw No. 132.

**13. LOCAL TRUST COMMITTEE PROJECTS**

**13.1 Short Term Vacation Rental Review - Staff Report**

Planner Chadwick gave an overview of the STVR Review project.

Trustees discussed a number of issues, such as whether to use temporary use permits (TUPs) everywhere an STVR is proposed; or to permit STVRs as a home-based business. RPM Kojima advised that if a STVR is a home-based business, the owner of the property must be present.

Trustees expressed a preference for aligning the regulations with those for North Pender.

Trustee Wright referred to correspondence from Peter Brook on his thoughts on STVRs on Pender Island and Bowen Island.

Trustees suggested that they consult further with stakeholders and residents. Trustees will provide their written comments to staff.

**SP-2020-019**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee request staff to prepare draft bylaws for the STVR Review project in accordance with the staff report dated September 4, 2020.

**CARRIED**

**13.2 Alternative Housing - Staff Report**

**SP-2020-020**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee request staff prepare draft policies and regulations that would tie RV use to a building permit for a dwelling, with maximum limit of 2 years, and to limit recreational use of vehicles of RVs to 60 days, and to permit occupancy of RVs or bunkhouses for agricultural or forestry workers from May to September.

**CARRIED**

**13.3 Update on Southern Gulf Islands Groundwater Sustainability Strategy - Staff Memo**

Staff advised that the draft report is undergoing a professional review. The final report is due in November 2020.

**14. REPORTS**

**14.1 Work Program Reports**

**14.1.1 Top Priorities Report Dated August 2020**

**14.1.2 Projects List Report Dated August 2020**

RPM Kojima noted that the building and siting review and STVRs have been referred to the APC. Trustee Thorn suggested that the LTC consider issues to be sent to the APC.

**14.2 Applications Report Dated August 2020**

Received for information.

**14.3 Trustee and Local Expense Report Dated July 2020**

Received for information.

**14.4 Adopted Policies and Standing Resolutions**

Received for information.

**14.5 Local Trust Committee Webpage**

#### **4. BUSINESS ITEMS**

##### **4.1 Local Trust Committee Minutes Dated May 1, 2020 (for Adoption)**

**By general consent** the minutes of the May 1, 2020 South Pender Island Local Trust Committee were adopted.

##### **4.2 South Pender Island Advisory Planning Commission – Appointment of New Secretary - Staff Memo**

###### **SP-2020-010**

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

that the South Pender Island Local Trust Committee appoints Kathy Gilbert, to be the new Secretary to the South Pender Island Advisory Planning Commission and any other Advisory Committees as required, starting immediately.

**CARRIED**

##### **4.3 South Pender LTC Meeting Procedure Amendment Bylaw No. 118 (for adoption)**

###### **SP-2020-011**

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

that the South Pender Island Bylaw No. 118, cited as South Pender Island Local Trust Committee Meeting Procedure Bylaw No 93, 2004, Amendment No. 1, 2020, be adopted.

**CARRIED**

##### **4.4 Short Term Vacation Rental Policy (STVR) Review - Staff Report**

Planner Chadwick reviewed the results of the 2020 South Pender STVR Survey. She advised that the main concern related to capacity of the water supply, together with other issues including: noise, potential increased risk for fires, and environmental impacts. Planner Chadwick's staff report presented five (5) options.

Trustees had discussion on the following points:

- The need to regulate STVRs;
- Water supply capacity;
- Economic impacts;
- Impacts on the long term rental housing supply;
- Impacts on the character of South Pender;
- Whether to treat STVRs as home-based businesses;
- That STVRs are a good way to introduce the visitors to the Penders;
- Tracking where the STVRs are located and the possibility of capping the number of STVRs in a particular area;
- The need to develop policies around STVRs;

- Consideration of “grandfathering” existing STVRs;
- Regulatory tools available, including the use of Temporary Use Permit (TUPs,) lack of business licencing, and Official Community Plan (OCP) policies around STRVs;
- Enforcement of Land Use Bylaw (LUB) contraventions and conditions of the TUPs; and
- Public consultation with operators or owners of existing STVRs, with the Trustees, staff and the wider public.

**SP-2020-012**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee request that staff explore Option 5 in the staff report in detail and report back at a future Local Trust Committee meeting.

**CARRIED**

Note: Option 5 relates to the use of TUPs in approvals for STVRs.

**SP-2020-013**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee request staff revise the project charter to include consultation with owners on draft TUP conditions.

**CARRIED**

**4.5 Alternative Housing Project - Staff Report**

Planner Chadwick presented the staff report, which identified recreational vehicles (RVs) as permitted for residency only with a valid permit for construction of a house. The staff report presented suggested Project Charter steps in addressing alternative housing options, focussing on RVs.

Planner Chadwick noted that trustees have indicated that there area RVs that are being used year round for housing as by seasonal farm employees. Alternative affordable housing is not available.

Trustees had discussion on the following points:

- The above issues, noting that the cost of housing is high, which adds to the incentive to use RVs on a permanent basis;
- The possibility of expanding the scope of project to include small structures;

Trustee Wright left the meeting at 12:05 p.m.

- There is presently no mechanism in place to allow alternative forms of housing, except for temporary occupancy while building a house; and
- Water supply and sewage disposal are key issues.

DATE OF MEETING: January 29, 2021  
TO: South Pender Island Local Trust Committee  
FROM: Kim Stockdill, Island Planner  
Southern Team  
COPY: Robert Kojima, Regional Planning Manager  
SUBJECT: SP STVR Review – CIM/Public Hearing Scheduling

## RECOMMENDATION

1. That the South Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw Nos. 119 and 120, cited as “South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020” and “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2020”, are not contrary to or at variance with the Islands Trust Policy Statement.
2. That the South Pender Island Local Trust Committee request staff to schedule a Community Information Meeting and Public Hearing for Bylaw No. 119, cited as “South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020” and Bylaw No. 120, cited as “South Pender Island Land Use Bylaw No. 114, 2016, 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. 119 and draft Land Use Bylaw (LUB) No. 120 were presented to the South Pender Island Local Trust Committee (LTC) at the November 6<sup>th</sup>, 2020 regular LTC meeting. The LTC then passed the following resolution:

### **SP-2020-023**

that the South Pender Island Local Trust Committee Bylaw No. 119, cited as the “South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020”, be amended as discussed.

Staff made the revisions as requested by the LTC and then circulated the draft bylaws for consideration of First Reading by Resolution without Meeting (RWM). Proposed Bylaw Nos. 119 and 120 (LUB Amendment) were given First Reading through this process.

Background information regarding the project and the updated Project Charter can be found on the South Pender Project webpage: [STVR Review Project - South Pender](#)

## **ANALYSIS**

### ***Proposed Bylaw No. 119 & 120***

Proposed Bylaw No. 120 would amend the South Pender LUB by removing short term vacation rental use of cottages as a home business. A home business in the South Pender LUB is defined as “a commercial use that is accessory to a permitted residential use on the same lot and includes, where permitted, the use of a cottage for short term vacation rental.” The bylaw includes removing short term vacation rental from the definition of home business and all regulations associated with STVRs. Proposed Bylaw No. 119 would amend the South Pender OCP by adding STVR guidelines to the TUP section and also include policy amendments (removing reference to short term vacation rentals as a form of home business in OCP policies).

If the LTC is proposes to make minor amendments to the bylaws, draft resolutions are included in the ‘Alternatives’ section of this staff report. Making significant 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.

Both the South Pender LTC and the North Pender LTC have expressed interest to align their STVR TUP guidelines. In order to achieve similar TUP guidelines, the South Pender OCP amendment bylaw attached to this staff report are derived from the NP OCP amendment bylaw No. 222 which was given First Reading on November 26, 2020. The North Pender LTC has scheduled a Community Information Meeting and Public Hearing for Bylaw No. 222 on February 25, 2021 and has indicated that if they do make minor amendments to the bylaw, they will be made after the Public Hearing.

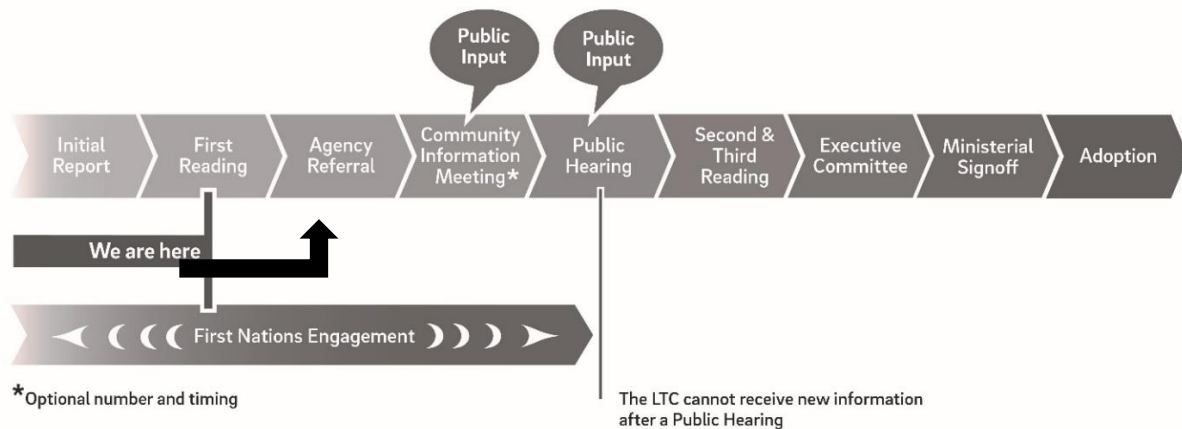
### ***Consultation***

Staff have referred Bylaw Nos. 119 and 120 to the agencies and First Nations outlined in the November 6, 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 South Pender LTC and will be included in the Public Hearing binder.

### ***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 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 public and stakeholder consultation on this topic.

If LTC decides to proceed with a Public Hearing, the 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 early 2021. Staff are recommending the CIM and Public Hearing for proposed Bylaw Nos. 119 and 120 be scheduled for the March 5, 2021 SP LTC regular meeting.

### **Islands Trust Policy Statement**

The proposed bylaw amendments are consistent with the policy directives of the Policy Statement. The Policy Statement Directives Checklist is included as Attachment 3 and will need to be endorsed by the LTC if the LTC gives first reading to the draft bylaws. The checklist will then be forwarded to the Executive Committee after third reading of the proposed bylaws.

### **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;
- The proposed bylaw addresses a number of issues and concerns raised during the community consultation;
- Bylaw referral deadline is at the end of February.
- The project budget ends March 31<sup>st</sup>, 2021

### **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 South Pender Island Local Trust Committee direct staff to schedule an electronic Community Information Meeting for proposed Bylaw Nos. 119 and 120 on a day prior to the Public Hearing for Bylaw Nos. 119 and 120.*

## **2. Minor amendments to proposed Bylaw No. 119**

The LTC may consider making amendments to proposed Bylaw No. 119. If the amendments are minor and do not require the bylaw to be rescinded, the following resolution can be used.

Resolution:

*That Bylaw No. 119 cited as “South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020” be amended as follows:...*

## **3. Minor amendments to Proposed Bylaw No. 120**

The LTC may consider making amendments to Proposed Bylaw No. 120. If the amendments are minor and do not require the bylaw to be rescinded, the following resolution can be used.

Resolution:

*That Bylaw No. 120 cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2020” be amended as follows:...*

## **4. 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 South Pender Island Local Trust Committee request that staff provide the following additional information:\_\_\_\_\_.*

## **5. 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 March 5, 2021 LTC meeting.

|               |                                          |                  |
|---------------|------------------------------------------|------------------|
| Submitted By: | Kim Stockdill<br>Island Planner          | January 18, 2021 |
| Concurrence:  | Robert Kojima, Regional Planning Manager | January 19, 2021 |

Attachment:

1. Proposed Bylaw No. 119
2. Proposed Bylaw No. 120
3. ITPS – Bylaw Nos. 119 & 120

# PROPOSED

## **SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 119**

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### **A BYLAW TO AMEND SOUTH PENDER ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 107, 2011**

---

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

1. CITATION

This Bylaw may be cited for all purposes as “South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020”.

2. SCHEDULES

South Pender Island Official Community Plan No. 107, 2011 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                                        | 19    | DAY OF | January | 2021   |
| 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____ |

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**CHAIR**

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**SECRETARY**



**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 119**

**SCHEDULE 1**

The South Pender Island Official Community Plan Bylaw No. 107, 2011, is amended as follows:

1. Clause 3.1.2(a)(ii) is amended by deleting “short-term rental of a single family dwelling;”.
2. Article 3.1.2 (e) (Background) is amended by deleting “Short-term rentals of dwellings provide economic return, offer the visitor an opportunity to experience rural island living, and are an alternative form of accommodation to bed and breakfast or commercial resorts.”
3. Clause 3.1.2(e)(i) is amended by deleting the third bullet “Lots having more than one cottage are limited to using not more than one cottage for short-term rental at any one time.”
4. By deleting Clause 3.1.2(e)(ii) “Short-term Rental of Single Family Dwellings” in its entirety.
5. Clause 3.5.2(d)(iv) is amended by deleting “including short-term rental of a single family dwelling and”.
6. Clause 3.6.2(b)(iii) is amended by deleting “short-term rental of a single family dwelling;”.
7. By adding the following to Section 8.2 (Temporary Use Permit Policies):

“8.2.6 In addition, the following guidelines apply when the Local Trust Committee is considering the issuance of a short term vacation rental temporary use permit:

- a) 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.
- b) 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.
- c) 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.

- d) 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.
- e) The applicant should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use.
- f) 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 or professional report may be required for the application or as a condition of the permit.
- g) The applicant should demonstrate that the property is able to accommodate off-street parking for a minimum of four vehicles.
- h) 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.
- i) The temporary use permit should restrict advertising to one unilluminated sign, with a maximum area of 1.0 m<sup>2</sup>.
- j) The temporary use permit should require that the owner or other designated contact be available on South Pender Island by telephone or email at all times when the short term vacation rental is in use.
- k) The temporary use permit should require the owner or manager to 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.
- l) The permit should require that the applicant post the following information for guests:
  - i. remind guests that the property is located in a residential area;
  - ii. 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);
  - iii. 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,
  - iv. the applicant provide the name and contact information of the property owner or designated contact who is available on South Pender Island at all times when the short term vacation rental is in use.
- m) In addition to any other conditions the Local Trust Committee may consider appropriate, in some situations the permit may:
  - i. limit the number of bedrooms that can be used for short term vacation rentals;
  - ii. limit the number of guests who are 18 years of age or older to four;
  - iii. 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;

- iv. require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening;
  - v. require the landowner/operator to post contact information and permit information at the entrance to the property;
  - vi. prohibit camping or occupancy of RVs on the property;
  - vii. prohibit the rental or provision of motorized personal watercraft;
  - viii. prohibit outdoor fires; and
  - ix. establish the dates during which the use may occur.
- n) 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.
- o) 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."

# PROPOSED

## SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 120

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### A BYLAW TO AMEND SOUTH PENDER ISLAND LAND USE BYLAW NO. 114, 2016

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

1. Citation

This bylaw may be cited for all purposes as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2020”.

2. South Pender Island Local Trust Committee Bylaw No. 114, cited as “South Pender Island Land Use Bylaw No. 114, 2016,” is amended as follows:

2.1 Section 1.1 (Definitions) is amended for “home business” by deleting “and includes, where permitted, the use of a cottage for short term vacation rental”.

2.2 Subsection 3.6(1) is amended by deleting “short-term vacation rental of *cottages*,”.

2.3 By deleting Subsection 3.6(9) in its entirety.

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                                        | 19    | DAY OF | January | 2021   |
| 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____ |
| ADOPTED THIS                                                  | _____ | DAY OF | _____   | 20____ |

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**CHAIR**

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**SECRETARY**



Islands Trust

## ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

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File No.: SP\_6500\_2020\_STVR Review

File Name: Bylaw Nos. 119 & 120

### 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 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                                                                                                                                                                                                                                                                                                  |
|------------|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <b>3.1</b>   | <b>Ecosystems</b>                                                                                                                                                                                                                                                                                                 |
| N/A        | <b>3.1.3</b> | 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        | <b>3.1.4</b> | 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        | <b>3.1.5</b> | 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.                                                |
|            | <b>3.2</b>   | <b>Forest Ecosystems</b>                                                                                                                                                                                                                                                                                          |
| N/A        | <b>3.2.2</b> | 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.                                |
|            | <b>3.3</b>   | <b>Freshwater and Wetland Ecosystems and Riparian Zones</b>                                                                                                                                                                                                                                                       |
| N/A        | <b>3.3.2</b> | 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.                                          |
|            | <b>3.4</b>   | <b>Coastal and Marine Ecosystems</b>                                                                                                                                                                                                                                                                              |
| N/A        | <b>3.4.4</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.                                                                                                                                               |
| N/A        | <b>3.4.5</b> | 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                                                                                                                                                                                                                                                                                                                           |
|------------|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <b>4.1</b>   | <b>Agricultural Land</b>                                                                                                                                                                                                                                                                                                                   |
| N/A        | <b>4.1.4</b> | 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        | <b>4.1.5</b> | 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        | <b>4.1.6</b> | 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.                                                                                                                              |
|            | <b>4.2</b>   | <b>Forests</b>                                                                                                                                                                                                                                                                                                                             |
| N/A        | <b>4.2.6</b> | 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        | <b>4.2.7</b> | 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        | <b>4.2.8</b> | 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.                                                                       |
|            | <b>4.2</b>   | <b>Forests</b>                                                                                                                                                                                                                                                                                                                             |
|            | <b>4.2.6</b> | 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.                                                                                                                          |
|            | <b>4.2.7</b> | 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. |
|            | <b>4.2.8</b> | 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.                                                                       |
|            | <b>4.2</b>   | <b>Forests</b>                                                                                                                                                                                                                                                                                                                             |

|     |               |                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-----|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     | <b>4.3</b>    | <b>Wildlife and Vegetation</b>                                                                                                                                                                                                                                                                                                                                                                                                      |
|     | <b>4.4</b>    | <b>Freshwater Resources</b>                                                                                                                                                                                                                                                                                                                                                                                                         |
| ✓   | <b>4.4.2</b>  | 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 | <b>4.4.3</b>  | 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                                                                                                                                                                                                                                   |
|     | <b>4.5</b>    | <b>Coastal Areas and Marine Shorelands</b>                                                                                                                                                                                                                                                                                                                                                                                          |
| N/A | <b>4.5.8</b>  | 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 | <b>4.5.9</b>  | 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 | <b>4.5.10</b> | 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 | <b>4.5.11</b> | 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.                                                                                                                                                                               |
|     | <b>4.6</b>    | <b>Soils and Other Resources</b>                                                                                                                                                                                                                                                                                                                                                                                                    |
| N/A | <b>4.6.3</b>  | 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                                                                                                                                                                                                                                                                                                                           |
|------------|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <b>5.1</b>   | <b>Aesthetic Qualities</b>                                                                                                                                                                                                                                                                                                                 |
| N/A        | <b>5.1.3</b> | 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.                                                                     |
|            | <b>5.2</b>   | <b>Growth and Development</b>                                                                                                                                                                                                                                                                                                              |
| ✓          | <b>5.2.3</b> | 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.                                                                                                                               |
| ✓          | <b>5.2.4</b> | 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. |
| ✓          | <b>5.2.5</b> | 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        | <b>5.2.6</b> | 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.                             |
|            | <b>5.3</b>   | <b>Transportation and Utilities</b>                                                                                                                                                                                                                                                                                                        |
| N/A        | <b>5.3.4</b> | 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        | <b>5.3.5</b> | 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        | <b>5.3.6</b> | 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        | <b>5.3.7</b> | 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.                   |
|            | <b>5.4</b>   | <b>Disposal of Waste</b>                                                                                                                                                                                                                                                                                                                   |
| N/A        | <b>5.4.4</b> | 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                                                                                                                                                                                                                                                                                                                           |

|     |              |                                                                                                                                                                                                                                                                                                                                                                           |
|-----|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     | <b>5.5</b>   | <b>Recreation</b>                                                                                                                                                                                                                                                                                                                                                         |
| N/A | <b>5.5.3</b> | 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 | <b>5.5.4</b> | 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 | <b>5.5.5</b> | 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 | <b>5.5.6</b> | 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 | <b>5.5.7</b> | 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.                                                                                                                                                                               |
|     | <b>5.6</b>   | <b>Cultural and Natural Heritage</b>                                                                                                                                                                                                                                                                                                                                      |
| N/A | <b>5.6.2</b> | 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 | <b>5.6.3</b> | 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.                                                                                                                         |
|     | <b>5.7</b>   | <b>Economic Opportunities</b>                                                                                                                                                                                                                                                                                                                                             |
| ✓   | <b>5.7.2</b> | 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.                                                                                                                                 |
|     | <b>5.8</b>   | <b>Health and Well-being</b>                                                                                                                                                                                                                                                                                                                                              |
| N/A | <b>5.8.6</b> | 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.     |

|   |                                                                              |
|---|------------------------------------------------------------------------------|
|   | <b>POLICY STATEMENT COMPLIANCE</b>                                           |
| ✓ | <b><i>In compliance with Trust Policy</i></b>                                |
|   | <b><i>Not in compliance with Trust Policy for the following reasons:</i></b> |

DATE OF MEETING: November 6, 2020  
TO: South Pender Island Local Trust Committee  
FROM: Kim Stockdill, Island Planner  
Southern Team  
COPY: Robert Kojima, Regional Planning Manager  
SUBJECT: SP STVR Review – LUB/OCP Amendments

## RECOMMENDATION

1. That the South Pender Island Local Trust Committee Bylaw No. 119, cited as the “South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020”, be read a first time.
2. That the South Pender Island Local Trust Committee Bylaw No. 120, cited as the “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2020”, be read a first time.
3. That the South Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw Nos. 119 and 120, cited as “South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020” and “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2020”, are not contrary to or at variance with the Islands Trust Policy Statement.
4. That the South Pender Island Local Trust Committee direct request staff to schedule a Community Information Meeting and Public Hearing for draft Bylaw Nos. 119 and 120.

## REPORT SUMMARY

The purpose of this report is to provide two draft bylaws for the South Pender Island Local Trust Committee (LTC) to consider in order to allow Short Term Vacation Rentals (STVRs) only by Temporary Use Permits (TUP). The draft bylaws are attached (Attachment No. 1 and 2) for the LTC’s consideration and the Islands Trust Policy Statement is attached (Attachment No. 3) for the LTC’s review.

## BACKGROUND

At the December 2019 LTC regular meeting the South Pender Island passed motions to adopt a proposed project charter for the South Pender Island STVR Review and for staff to schedule public engagement opportunities and launch a survey to gather feedback on STVR policy. A survey was then launched in March 2020 and results of the survey were shared in a report to the South Pender Island LTC at the June 4<sup>th</sup>, 2020 special meeting as well as five potential STVR policy options for the LTC to consider. The South Pender LTC gave direction to staff to move forward with the project by requiring all STVRs to require a TUP and remove the provision in the Land Use Bylaw (LUB) to allow STVRs as a home occupation.

At the September 4, 2020 LTC regular meeting the North Pender Island, the following resolution was passed:

## **SP-2020-019**

that the South Pender Island Local Trust Committee request staff to prepare draft bylaws for the STVR Review project in accordance with the staff report dated September 4, 2020.

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

## **ANALYSIS**

### ***Draft Bylaw Nos. 119 & 120***

At the previous LTC meeting on September 4, 2020 the LTC discussed how to proceed with the STVR project and gave direction to staff to draft bylaws in order to allow STVR by temporary use permits only. This direction would require two amendment bylaws: one for the Land Use Bylaw (draft bylaw no. 120) and one for the Official Community Plan (draft bylaw no. 119).

Draft bylaw no. 120 would amend the South Pender LUB by removing short term vacation rental use of cottages as a home business. A home business in the South Pender LUB is defined as “a commercial use that is accessory to a permitted residential use on the same lot and includes, where permitted, the use of a cottage for short term vacation rental.” The draft bylaw includes removing short term vacation rental from the definition of home business and all regulations associated with STVRs. The LUB amendment bylaw would not remove the use of Bed and Breakfast as a home business. Bed and breakfast home businesses to date have not been a contentious issue in terms of commercial rental on South Pender therefore staff are not recommending removing the use from the Land Use Bylaw.

Draft Bylaw no. 119 would amend the South Pender OCP by adding STVR guidelines to the TUP section and also include policy amendments (removing reference to short term vacation rentals as a form of home business in OCP policies).

### **North Pender Draft STVR TUP Guidelines:**

At the September 4<sup>th</sup> meeting the LTC showed an interest to align future STVR TUP guidelines with the North Pender LTC's STVR TUP guidelines. The North Pender LTC is also in the process of reviewing their STVR TUP guidelines and a draft OCP bylaw amendment will be presented to the North Pender LTC at their October 29<sup>th</sup>, 2020 regular LTC meeting. In order to achieve similar TUP guidelines, the South Pender draft OCP amendment attached to this staff report are derived from the NP draft OCP bylaw amendment. Staff will provide a verbal update on how the North Pender LTC is proceeding with their draft bylaw, and if any amendments were made at the South Pender November 6<sup>th</sup>, 2020 LTC meeting.

The following STVR TUP guidelines in the draft bylaw are ones that staff wish to highlight for the LTC's consideration:

#### ***1. Cumulative Considerations:***

Staff included a TUP policy (8.2.6(d)) that states that “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.” In other words, only two STVR TUPs would be permitted for their buffer to overlap; a third TUP would not be supported. The purpose of this policy is to provide a way for the LTC to review and evaluate cumulative impacts on a neighbourhood.

## *2. Limiting the number of guests to six:*

Staff are of the opinion that one of the most effective and efficient way to mitigate issues associated with short term vacation rentals (traffic, noise and water consumption) is to restrict the maximum number of guests staying at a STVR. As seen in Section 8.2.6(m)(ii) in the draft OCP Bylaw no. 119, staff are recommending a guideline that would restrict the maximum number of guests to six. The maximum number of guests would also align with the Province's Covid 19 Best Practices of no more than six people permitted in one's social bubble.

## *3. Limiting STVR use from May to September:*

One of the topics discussed with the NP LTC was the ability to limit the number of days a STVR could be in use during the summer months in order to help reduce traffic, noise, and utility consumption. Staff recommend limiting the maximum total number of days STVRs can operate in the summer months rather than an outright restriction of no STVR use during the summer months. If the South Pender LTC does not wish to regulate the number of days a STVR can operate during the summer months, Section 8.2.6 (m)(iii) should be deleted from the draft OCP amendment Bylaw no. 119.

## *4. Absentee property owners*

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 where owners make regular use of it themselves. A guideline was included to the draft bylaw (8.2.6(o)) stating that applications for a STVR temporary use permit should not be considered by the LTC if the dwelling unit is not occupied on a regular basis by the property owners.

If the LTC wishes to make any amendments to the draft bylaws, the LTC should put a resolution forward as outlined in the 'Alternatives' section of this staff report – Alternative no. 1.

## **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
- Ministry of Municipal Affairs & Housing
- BC Assessment Authority
- Saturna Island Local Trust Committee
- North Pender Island Local Trust Committee
- Islands Trust – Bylaw Enforcement
- 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 has identified interest in engaging current STVR operators in the review of draft bylaw amendments. Staff will send the draft bylaws to all known STVR operating on South Pender by email or mail for comment on the proposed amendments.

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

### ***First Nations***

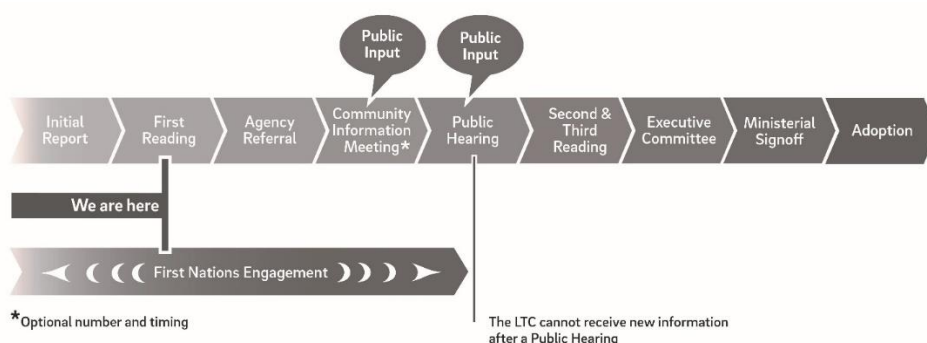
Draft Bylaw No. 119 and 120 would apply to applications that use the current footprint of an existing dwelling unit with no additional disturbance or impact to the lands or waters to ensure protection of any possible archaeological sites.

### ***Timeline***

The project charter provides the timeline for the project, but generally the process for LUB and 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.

The following graphic outlines the process:



### ***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 Community Information Meeting (CIM) prior to that. LTC could choose to schedule the CIM in conjunction with the public hearing, which would be a reasonable approach given the extensive consultation undertaken to date. Staff recommend scheduling a CIM and public hearing for the next LTC meeting in early 2021. This would provide enough time to send out the formal referrals and receive comments prior to the public hearing. The project is currently on schedule as the Project Charter's timeline includes a public hearing to be scheduled for early 2021.

The LTC also has the option to schedule a public hearing and CIM after second reading of the bylaw. If the LTC wishes to proceed with this option, staff would bring back the bylaws at the next LTC meeting in early 2021 for second reading at which point the LTC would then give direction for staff to schedule the CIM and public hearing for the next LTC meeting in spring 2021. This option would extend the timeline by a few months.

### ***Islands Trust Policy Statement***

The draft bylaw amendments are consistent with the policy directives of the Policy Statement. The Policy Statement Directives Checklist is included as Attachment 3 and will need to be endorsed by the LTC if the LTC gives first reading to the draft bylaws. The checklist will then be forwarded to the Executive Committee after third reading of the proposed bylaws.

### **Rationale for Recommendation**

The LTC gave direction to staff to draft bylaw amendments based on recommendations made in the September 4<sup>th</sup>, 2020 staff report. Staff have presented two draft bylaws for the LTC's consideration based on their recommendation and the project charter.

### **ALTERNATIVES**

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

#### **1. Direction to amend draft bylaw**

The LTC may wish to make amendments to the draft bylaw. Recommended wording for the resolution is as follows:

*That the South Pender Island Local Trust Committee amend draft Bylaw No. 119 or 120 by...*

#### **2. 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 South Pender Island Local Trust Committee request staff to provide further information on...*

#### **3. Schedule a public hearing and CIM after giving second reading to the bylaws.**

The LTC may wish to schedule a public hearing and CIM after giving second reading to the draft bylaws. No resolution is required for this alternative at this time. A resolution to schedule a CIM and public hearing will be required after the bylaws are given second reading.

#### **4. Refer staff report with draft bylaw to the Advisory Planning Commission**

The LTC may opt to refer the staff report with the draft bylaws to the Advisory Planning Commission to provide comments on the draft bylaws or other possible amendments. Recommended wording for the resolution is as follows:

*That the South Pender Island Local Trust Committee request staff to refer the staff report dated November 6, 2020 regarding the Short Term Vacation Rental Review Project to the South Pender Island Advisory Planning Commission for comment.*

#### **5. Proceed no further**

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

#### **NEXT STEPS**

Based on direction from the LTC, staff will:

- Proceed with bylaw referrals to First Nations, government agencies and current STVR operators.
- Schedule CIM and Public Hearing for the first LTC meeting in 2021.

|               |                                          |                  |
|---------------|------------------------------------------|------------------|
| Submitted By: | Kim Stockdill<br>Island Planner          | October 28, 2020 |
| Concurrence:  | Robert Kojima, Regional Planning Manager | October 28, 2020 |

Attachments:

1. Draft Bylaw No. 119 (OCP amendment)
2. Draft Bylaw No. 120 (LUB amendment)
3. Islands Trust Policy Statement

**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 119**

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**A BYLAW TO AMEND SOUTH PENDER ISLAND OFFICIAL COMMUNITY PLAN  
BYLAW NO. 107, 2011**

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

1. CITATION

This Bylaw may be cited for all purposes as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020".

2. SCHEDULES

South Pender Island Official Community Plan No. 107, 2011 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 \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

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**

**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 119**

**SCHEDULE 1**

The South Pender Island Official Community Plan Bylaw No. 107, 2011, is amended as follows:

1. Clause 3.1.2(a)(ii) is amended by deleting “short-term rental of a single family dwelling;”.
2. Article 3.1.2 (e) (Background) is amended by deleting “Short-term rentals of dwellings provide economic return, offer the visitor an opportunity to experience rural island living, and are an alternative form of accommodation to bed and breakfast or commercial resorts.”
3. Clause 3.1.2(e)(i) is amended by deleting the third bullet “Lots having more than one cottage are limited to using not more than one cottage for short-term rental at any one time.”
4. By deleting Clause 3.1.2(e)(ii) “Short-term Rental of Single Family Dwellings” in its entirety.
5. Clause 3.5.2(d)(iv) is amended by deleting “including short-term rental of a single family dwelling and”.
6. Clause 3.6.2(b)(iii) is amended by deleting “short-term rental of a single family dwelling;”.
7. By adding the following to Section 8.2 (Temporary Use Permit Policies):

“8.2.6 In addition, the following guidelines apply when the Local Trust Committee is considering the issuance of a short term vacation rental temporary use permit:

- a) 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.
- b) 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.
- c) 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.

- d) 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.
- e) The applicant should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use.
- f) 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.
- g) The applicant should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles.
- h) 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.
- i) The temporary use permit should restrict advertising to one unilluminated sign, with a maximum area of 1.0 m<sup>2</sup>.
- j) 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.
- k) The temporary use permit should require the owner or manager to 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.
- l) The permit should require that the applicant post the following information for guests:
  - i. remind guests that the property is located in a residential area;
  - ii. 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);
  - iii. 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,
  - iv. 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.
- m) In addition to any other conditions the Local Trust Committee may consider appropriate, in some situations the permit may:
  - i. limit the number of bedrooms that can be used for short term vacation rentals;
  - ii. limit the number of guests to 6;
  - iii. 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;

- iv. require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening;
  - v. require the landowner/operator to post contact information and permit information at the entrance to the property;
  - vi. prohibit camping or occupancy of RVs on the property;
  - vii. prohibit the rental or provision of motorized personal watercraft;
  - viii. prohibit outdoor fires; and
  - ix. establish the dates during which the use may occur.
- n) 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.
- o) 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."

**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 120**

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**A BYLAW TO AMEND SOUTH PENDER ISLAND LAND USE BYLAW NO. 114, 2016**

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

1. Citation

This bylaw may be cited for all purposes as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2020".

2. South Pender Island Local Trust Committee Bylaw No. 114, cited as "South Pender Island Land Use Bylaw No. 114, 2016," is amended as follows:

2.1 Section 1.1 (Definitions) is amended for "home business" by deleting "and includes, where permitted, the use of a cottage for short term vacation rental".

2.2 Subsection 3.6(1) is amended by deleting "short-term vacation rental of *cottages*".

2.3 By deleting Subsection 3.6(9) in its entirety.

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 \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

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\_\_\_\_

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

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CHAIR

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SECRETARY

DRAFT



Islands Trust

## ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

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File No.: SP\_6500\_2020\_STVR Review

File Name: Bylaw Nos. 119 & 120

### 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 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                                                                                                                                                                                                                                                                                                  |
|------------|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <b>3.1</b>   | <b>Ecosystems</b>                                                                                                                                                                                                                                                                                                 |
| N/A        | <b>3.1.3</b> | 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        | <b>3.1.4</b> | 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        | <b>3.1.5</b> | 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.                                                |
|            | <b>3.2</b>   | <b>Forest Ecosystems</b>                                                                                                                                                                                                                                                                                          |
| N/A        | <b>3.2.2</b> | 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.                                |
|            | <b>3.3</b>   | <b>Freshwater and Wetland Ecosystems and Riparian Zones</b>                                                                                                                                                                                                                                                       |
| N/A        | <b>3.3.2</b> | 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.                                          |
|            | <b>3.4</b>   | <b>Coastal and Marine Ecosystems</b>                                                                                                                                                                                                                                                                              |
| N/A        | <b>3.4.4</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.                                                                                                                                               |
| N/A        | <b>3.4.5</b> | 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                                                                                                                                                                                                                                                                                                                                                                 |
|------------|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <b>4.1</b>   | <b>Agricultural Land</b>                                                                                                                                                                                                                                                                                                                                                         |
| N/A        | <b>4.1.4</b> | 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        | <b>4.1.5</b> | 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        | <b>4.1.6</b> | 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        | <b>4.1.7</b> | 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        | <b>4.1.8</b> | 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        | <b>4.1.9</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.                                                                                                                                                                                                         |
|            | <b>4.2</b>   | <b>Forests</b>                                                                                                                                                                                                                                                                                                                                                                   |
| N/A        | <b>4.2.6</b> | 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        | <b>4.2.7</b> | 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        | <b>4.2.8</b> | 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                                                                                                                                                                                                                                                                                                                                                                 |

|     |               |                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-----|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     | <b>4.3</b>    | <b>Wildlife and Vegetation</b>                                                                                                                                                                                                                                                                                                                                                                                                      |
|     | <b>4.4</b>    | <b>Freshwater Resources</b>                                                                                                                                                                                                                                                                                                                                                                                                         |
| ✓   | <b>4.4.2</b>  | 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 | <b>4.4.3</b>  | 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                                                                                                                                                                                                                                   |
|     | <b>4.5</b>    | <b>Coastal Areas and Marine Shorelands</b>                                                                                                                                                                                                                                                                                                                                                                                          |
| N/A | <b>4.5.8</b>  | 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 | <b>4.5.9</b>  | 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 | <b>4.5.10</b> | 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 | <b>4.5.11</b> | 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.                                                                                                                                                                               |
|     | <b>4.6</b>    | <b>Soils and Other Resources</b>                                                                                                                                                                                                                                                                                                                                                                                                    |
| N/A | <b>4.6.3</b>  | 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                                                                                                                                                                                                                                                                                                                           |
|------------|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <b>5.1</b>   | <b>Aesthetic Qualities</b>                                                                                                                                                                                                                                                                                                                 |
| N/A        | <b>5.1.3</b> | 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.                                                                     |
|            | <b>5.2</b>   | <b>Growth and Development</b>                                                                                                                                                                                                                                                                                                              |
| ✓          | <b>5.2.3</b> | 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.                                                                                                                               |
| ✓          | <b>5.2.4</b> | 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. |
| ✓          | <b>5.2.5</b> | 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        | <b>5.2.6</b> | 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.                             |
|            | <b>5.3</b>   | <b>Transportation and Utilities</b>                                                                                                                                                                                                                                                                                                        |
| N/A        | <b>5.3.4</b> | 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        | <b>5.3.5</b> | 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        | <b>5.3.6</b> | 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        | <b>5.3.7</b> | 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.                   |
|            | <b>5.4</b>   | <b>Disposal of Waste</b>                                                                                                                                                                                                                                                                                                                   |
| N/A        | <b>5.4.4</b> | 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                                                                                                                                                                                                                                                                                                                           |

|     |              |                                                                                                                                                                                                                                                                                                                                                                           |
|-----|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     | <b>5.5</b>   | <b>Recreation</b>                                                                                                                                                                                                                                                                                                                                                         |
| N/A | <b>5.5.3</b> | 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 | <b>5.5.4</b> | 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 | <b>5.5.5</b> | 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 | <b>5.5.6</b> | 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 | <b>5.5.7</b> | 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.                                                                                                                                                                               |
|     | <b>5.6</b>   | <b>Cultural and Natural Heritage</b>                                                                                                                                                                                                                                                                                                                                      |
| N/A | <b>5.6.2</b> | 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 | <b>5.6.3</b> | 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.                                                                                                                         |
|     | <b>5.7</b>   | <b>Economic Opportunities</b>                                                                                                                                                                                                                                                                                                                                             |
| ✓   | <b>5.7.2</b> | 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.                                                                                                                                 |
|     | <b>5.8</b>   | <b>Health and Well-being</b>                                                                                                                                                                                                                                                                                                                                              |
| N/A | <b>5.8.6</b> | 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.     |

|   |                                                                              |
|---|------------------------------------------------------------------------------|
|   | <b>POLICY STATEMENT COMPLIANCE</b>                                           |
| ✓ | <b><i>In compliance with Trust Policy</i></b>                                |
|   | <b><i>Not in compliance with Trust Policy for the following reasons:</i></b> |

DATE OF MEETING: September 4, 2020

TO: South Pender Island Local Trust Committee

FROM: Narissa Chadwick, Island Planner  
Southern Team

COPY: Robert Kojima, Regional Planning Manager  
Kim Stockwell, Island Planner

SUBJECT: Temporary Use Permits for Short Term Vacation Rental

## RECOMMENDATION

- 1. THAT the South Pender Island Local Trust Committee request staff to prepare draft bylaws for the STVR Review project in accordance with the staff report dated September 4, 2020.**

## REPORT SUMMARY

The purpose of this report is to provide options and draft policy guidelines to support the requirement of temporary use permits for all STVRs including those currently permitted as outright in primary dwellings and as home occupations.

## BACKGROUND

At the December 16<sup>th</sup>, 2019 LTC regular meeting the South Pender Island passed motions to adopt a proposed project charter for the South Pender Island STVR Review and have staff schedule public engagement opportunities and launch a survey to gather feedback on STVR policy.

A survey was launched in March 2020. Results of the survey were shared in a report to the South Pender Island LTC at the June 4th special meeting.

At the June 4th, 2020 meeting staff identified five potential STVR policy options. In response the LTC adopted the following motions:

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee request that staff explore Option 5 in the staff report in detail and report back at a future Local Trust Committee meeting.

Option 5 focussed on Temporary Use Permits for all STVRs. Requiring TUPs for all STVRs would mean not allowing STVRs outright in primary dwellings or as a home business where the owner or operator is present on the property when the STVR is operating.

The South Pender Island Local Trust Committee also identified interest in engaging current STVR operators in the review of draft TUP conditions.

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee request staff revise the project charter to include consultation with owners on draft TUP conditions.

**ANALYSIS**

The survey results revealed that there is community interest in permitting STVRs, particularly those where the owner or operator is not residing on the property, through a regulatory approach that would provide more oversight than what currently exists. The introduction of a temporary use permitting approach for STVRs would satisfy this interest.

A temporary use permit may be issued for a period of up to three years and may be renewed only once. The issuance of a temporary use permit should be conditional on compliance with guidelines identified in the OCP.

**Use of TUPs for STVRs in the Islands Trust**

As identified in the chart below, the summary of STVR policies for Local Trust Areas done as a part of the Galiano Island LTC's Short Term Vacation Review Project, a majority of Local Trust Areas permit STVRs via TUP for primary dwellings. Most of these also allow STVRs as home occupations in rooms in permanent dwellings and in separate cabins when the owner or operator is living on the property.

| <b>STVR Policy Overview Table</b> | <b>STVRs permitted as home occupation</b> | <b>STVRs permitted via TUP</b> |
|-----------------------------------|-------------------------------------------|--------------------------------|
| Denman                            | X                                         |                                |
| Gabriola                          | X                                         | X                              |
| Galiano                           | X                                         | X                              |
| Gambier                           | X                                         |                                |
| Hornby                            | X                                         | X                              |
| Mayne                             | X                                         | X*                             |
| North Pender                      | X                                         | X                              |
| Saturna                           | X                                         | X                              |
| South Pender                      | X                                         | X*                             |
| Thetis                            | X                                         | X                              |

On Mayne and South Pender STVRs can be permitted via TUP; however specific STVR TUP guidelines do not exist. In South Pender's case, prior to the passing of Bylaw 117, operating an STVR in a permanent residence when the owner or operator is not living on the property was permitted outright in zones where a dwelling is permitted. STVRs as a home occupation were, and continue to be, permitted where the owner or operator are living on the property. Hence, the need to apply for a TUP did not exist.

**North Pender STVR Policy**

The North Pender Island LTC is currently undertaking a review of their STVP TUP policies and regulations. The North Pender LTC is currently supporting the existing approach - where STVRs are permitted outright as home business but a TUP is required where the operator is not resident – with staff directed to provided updates and revisions to the TUP guidelines to address issues that have arisen over the past several years. The LTC may wish to consider guidelines consistent with those proposed for North Pender given the proximity and similar interests. The draft guidelines and proposed conditions in Appendix 1 are consistent with those currently in place for North Pender.

## **South Pender Changes to Home Business Regulation**

Using temporary use permits for all forms of accommodation on residential property will require changes to the LUB. These changes are indicated in Appendix 2.

The LTC may want to consider whether it wishes to make these changes or maintain consistency with North Pender Island's STVR regulatory approach by continuing to permit STVRs outright as a home business. The survey results suggested that there was more concern related to STVRs being allowed outright in dwellings without regulation specific to STVRs than there was for those considered home business. A scan of STVR listing sites in March 2020 identified that there was only one business running as a bed and breakfast and eight that appear to be cabin rentals that would likely be considered home businesses.

## **Public Consultation**

The LTC has identified interest in engaging existing STVR operators in the review of policy guidelines related to introducing TUPs. Given the continued uncertainties related to public gatherings during the pandemic and varying levels of comfort with face to face meeting staff recommend that this consultation be done online. Operators advertising online can be reached thorough online platforms. A message can be sent out via the email subscribers list and social media to encourage past STVR operators and those not advertising online to participate. An online zoom meeting may be considered.

## **Policy/Regulatory**

### ***Islands Trust Policy Statement:***

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.

### ***Official Community Plan:***

To require TUPs for STVRs, policy guidelines, as identified in Appendix A, will need to be added to the OCP. Some of the higher level policy statements in the OCP would not need to be changed, but in the interest of clarity it is recommended that they also be amended. Relevant OCP policies are identified in Appendix 3.

### ***Land Use Bylaw:***

The amendments to the Land Use Bylaw that would need to be made focus primarily on the home business regulations and can be found in Appendix 2.

## **Issues and Opportunities**

Requiring TUPs for STVRs provides an opportunity for the LTC to create regulation specific to short term rentals. It also provides the opportunity to monitor and account for legally operating STVRs.

STVRs operating in permanent dwelling prior to the approval of Bylaw 117 (prohibiting STVRs as an outright use in permanent dwellings) will be considered legal non-conforming. As such they will not be required to apply for a TUP to continue operating. However, should the use be discontinued for a tourist season legal non-conforming status will no longer apply.

## Consultation

As indicated previously, current and past STVR operators will be provided the opportunity to review proposed policy guidelines online.

A public hearing is required prior to third reading of amendments to LUBs and OCP. A community information meeting is also typically held prior to the public hearing.

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. Referrals will be sent to:

Ministry of Municipal Affairs and Housing  
North Pender LTC  
Saturna LTC  
Capital Regional District – Building Inspection  
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.

## Rationale for Recommendations

**Recommendation:** THAT the South Pender Island Local Trust Committee request staff to prepare draft bylaws for the STVR Review project in accordance with the staff report dated September 4, 2020.

**Rationale:** The next step is for staff to prepare draft amending bylaws that would implement the changes to the OCP and LUB.

## ALTERNATIVES

### 1. Request further information

The LTC may request further information prior to making a decision. This may delay the revision of STVR policies. 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 South Pender Island Trust Committee request staff to provide further information on .....*

### 2. Align STVR policies and regulations with North Pender's

The LTC may decide to align their STVR policies and regulations with those of North Pender.

*That the South Pender Island Local Trust Committee direct staff to draft amendments consistent with the North Pender LTC's proposed STVR policies.*

### 3. Extend public engagement beyond former and current STVR operators

The LTC may want to full community and not just the former and current STVR operators in a review of proposed new STVR policy and regulations.

*That the South Pender LTC engage the community in the review of proposed new STVR policy and regulation.*

## NEXT STEPS

If staff recommendations are approved the next steps include:

- Staff prepare draft amending bylaws.
- Staff contact current STVR operators for comment on proposed amendments.
- Draft bylaws referred to agencies, First Nations and adjacent LTCs for comment.
- Draft bylaws brought to subsequent LTC meeting for consideration of first reading.

|               |                                          |                 |
|---------------|------------------------------------------|-----------------|
| Submitted By: | Narissa Chadwick, Island Planner, RPP    | August 21, 2020 |
| Concurrence:  | Robert Kojima, Regional Planning Manager | August 21, 2020 |

## ATTACHMENTS

1. Draft TUP Conditions
2. Proposed changes to LUB
3. Existing OCP and LUB Policies and indication of change
4. Revised Project Charter

## **APPENDIX 1 – Draft TUP Guidelines (OCP Amendments)**

TUP Guidelines would be added to “Part 8 – Temporary Use Permits” in the South Pender OCP. Draft Guidelines are as follows:

For the purpose of a temporary use permit, “short term vacation rental” means the use of a dwelling or cottage or room in a dwelling 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.

- 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.
- 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.
- 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.
- The landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles.
- 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 the location of the sensitive areas, and information on how to avoid impacting the sensitive features.
- The Permit should restrict advertising to one unilluminated sign, with a maximum area of 0.6 m<sup>2</sup>.
- 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.
- 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.
- 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;
- 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) limit the number of guests;
  - c) prohibit the owner/operator from being absent;
  - d) Limit the number of days or weeks during a year;
  - e) require information on water usage;
  - f) require signage related to water conservation;
  - g) require proof of consultation with the neighbours;
  - h) require mitigating measures to address neighbours’ concerns, such as retention of existing screening and fencing, or installation of additional screening;

- i) require the landowner/operator to post contact information and permit information at the entrance to the property;
- j) prohibit camping or occupancy of RVs on the property;
- k) prohibit the rental or provision of motorized personal watercraft;
- l) prohibit outdoor fires; and
- m) establish the dates during which the use may occur

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.

## **APPENDIX 2 - Proposed changes to LUB for TUPs for all STVRs including B&Bs**

1. Section 1.1 (Definitions) is amended at “home business” by deleting “and includes, where permitted, the use of a cottage for short term vacation rental”
2. Section 1.1 (Definitions) is amended at “short term vacation rental” by adding “or a room in a dwelling” after “or a cottage” and before “ to provide accommodation for periods of less than 30 consecutive days to persons who normally maintain a residence elsewhere”.
3. Section 3.6 (Home Businesses) (1) is amended by deleting “short-term vacation rental of cottages”
4. Section 3.6 (Bed and Breakfast) (8) is amended by deleting “The following additional regulations apply to bed and breakfast home businesses:
  - (a) bed and breakfast home businesses are permitted only in the Rural Residential One, Rural Residential Two, Rural Residential Three, Agricultural, Natural Resource and Forest Zones;
  - (b) part or all of a bed and breakfast home business may be undertaken within a permitted cottage;
  - (c) the total number of bedrooms used to accommodate overnight guests may not exceed three;
  - (d) despite Subsection 3.6(6) not more than one non-resident person may be engaged or employed in a bed and breakfast home business;
  - (e) meals may only be provided to bed and breakfast guests in the morning;
  - (f) off-street parking spaces for a bed and breakfast home business use shall be provided in accordance with the requirements contained in Part 7; and
  - (g) a bed and breakfast home business may not be undertaken within an accessory building”
5. Section 3.6 (Home Business) (9) is amended by deleting “The following additional regulations apply to the short-term vacation rental of a cottage as a home business:
  - (a) Short-term vacation rental of a cottage is permitted in the Rural Residential One, Rural Residential Two, Rural Residential Three, Agriculture, Natural Resource and Forest zones only;
  - (b) a cottage shall not be used for short-term vacation rental at the same time as a dwelling on the same lot is being used for short-term vacation rental; and,
  - (c) only one cottage per lot may be used for short-term vacation rental.”

## APPENDIX 3 – Consolidated OCP and LUB Proposed Changes and Previously Existing Remaining Policies and Regulations

The following OCP policies and LUB regulations would be deleted or amended as required

|                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>OCP General STVRs Definitions and Policies</b>     | <p>3.1.2 (3)(ii) On lots where a single family dwelling is allowed as a principal use, short-term rental of those dwellings may be allowed, subject to regulation. A single family dwelling is not to be used for short-term rental during the time when a cottage is being used for this purpose. Lots having more than one single family dwelling are to be limited to using not more than one for short term rental at any one time.</p> <p>3.1.2 (e)(iii) Land use regulations applicable to short-term single family dwelling rentals are to be developed with the perspective of land use compatibility, as contained in the General Policies of this OCP. Their primary purpose is to minimize adverse effects on adjacent lots and on the community in general.</p> <p>3.1.1 (a) (ii), 3.5.2 (d) (iv), 3.6.2 (b) Land use regulatory bylaws are to make provision for the uses customarily associated with rural living including short-term rental of a single family dwelling and home occupations.</p> |
| <b>LUB General Policies and Definitions</b>           | <p>"home business" means a commercial use that is accessory to a permitted residential use on the same lot and includes, where permitted, the use of a cottage for short term vacation rental.</p> <p>"short term vacation rental" means the commercial use of a dwelling or a cottage to provide accommodation for periods of less than 30 consecutive days to persons who normally maintain a residence elsewhere.</p> <p>3.1.2 (a) Land Use i) Single family residential use is to be the predominant principal land use on lands designated Rural Residential (RR). South Pender Island Official Community Plan Bylaw No. 107, 2011 9 ii) Other allowed uses on Rural Residential designated lands are to be compatible, both in type and scale, with small lot rural residential living. Land use regulatory bylaws are to make provision for the following uses customarily associated with small lot rural living: short-term rental of a single family dwelling;</p>                                      |
| <b>OCP Policies Related to STVRs as Home Business</b> | <p>3.1.2 (e)(ii) On lots where a single family dwelling is allowed as a principal use, short-term rental of those dwellings may be allowed, subject to regulation. A single family dwelling is not to be used for short-term rental during the time when a cottage is being used for this purpose. Lots having more than one single family dwelling are to be limited to using not more than one for short term rental at any one time</p> <p>3.1.2 (e) (ii) 3.5.2 (d)(iv).3.6.3 (b)(iii)...Land use regulatory bylaws are to make provision for the following uses customarily associated with small lot rural living: short-term rental of a single family dwelling....</p>                                                                                                                                                                                                                                                                                                                                     |
| <b>LUB Policies related to STVRs as Home Business</b> | <p>"home business" means a commercial use that is accessory to a permitted residential use on the same lot and includes, where permitted, the use of a cottage for short term vacation rental.</p> <p>3.1.2 (e)(1) Lots having more than one cottage are limited to using not more than one cottage for short term rental at any one time.</p> <p>3.6 (1) Home businesses permitted by Part 5 include any home craft, repairing of goods, professional practice, services to a client, creation of a product, short-term vacation rental of cottages, bed and breakfasts,</p> <p>3.6 (8) The following additional regulations apply to bed and breakfast home businesses:</p>                                                                                                                                                                                                                                                                                                                                     |

|                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                            | <p>(a) bed and breakfast home businesses are permitted only in the Rural Residential One, Rural Residential Two, Rural Residential Three, Agricultural, Natural Resource and Forest Zones;</p> <p>(b) part or all of a bed and breakfast home business may be undertaken within a permitted cottage;</p> <p>(c) the total number of bedrooms used to accommodate overnight guests may not exceed three;</p> <p>(d) despite Subsection 3.6(6) not more than one non-resident person may be engaged or employed in a bed and breakfast home business;</p> <p>(e) meals may only be provided to bed and breakfast guests in the morning;</p> <p>(f) off-street parking spaces for a bed and breakfast home business use shall be provided in accordance with the requirements contained in Part 7; and</p> <p>(g) a bed and breakfast home business may not be undertaken within an accessory building</p> <p>3.6 (9) The following additional regulations apply to the short-term vacation rental of a cottage as a home business:</p> <p>(a) Short-term vacation rental of a cottage is permitted in the Rural Residential One, Rural Residential Two, Rural Residential Three, Agriculture, Natural Resource and Forest zones only;</p> <p>(b) a cottage shall not be used for short-term vacation rental at the same time as a dwelling on the same lot is being used for short-term vacation rental; and, (</p> <p>c) only one cottage per lot may be used for short-term vacation rental</p> |
| <b>OCP Policies related to STVRs as a Permitted Principal/Outright Use</b> | <p>3.1.2 (a) Land Use (ii) ....Land use regulatory bylaws are to make provision for the following uses customarily associated with small lot rural living: short-term rental of a single family dwelling....</p> <p>3.1.2 (e)(ii) Short term Rental of Single Family Dwellings</p> <ul style="list-style-type: none"> <li>• On lots where a single family dwelling is allowed as a principal use, short-term rental of those dwellings may be allowed, subject to regulation. A single family dwelling is not to be used for short-term rental during the time when a cottage is being used for this purpose. Lots having more than one single family dwelling are to be limited to using not more than one for short term rental at any one time.</li> <li>• Land use regulations applicable to short-term single family dwelling rentals are to be developed with the perspective of land use compatibility, as contained in the General Policies of this OCP. Their primary purpose is to minimize adverse effects on adjacent lots and on the community in genera</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>OCP Policies related to TUPS</b>                                        | See Appendix 1 for suggested guidelines to be added to “ Part 8 – Temporary Use Permits”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

## South Pender Island STVR Review - Project Charter (Revision)

South Pender Island LTC

Date: July 15, 2020

**Purpose:** *The purpose of this project is to conduct a review of South Pender Island's Short Term Vacation Rental (STVR) policies and regulations and evaluate the impact of STVRs on South Pender to inform potential policy change*

**Background:** On Oct. 18, 2019 a Special Meeting of the South Pender LTC was held to address concerns related to the perceived impacts of STVRs. A bylaw amendment prohibiting new STVRs in dwellings from commencing was read of the first time at the November 1<sup>st</sup> South Pender LTC meeting. This bylaw was intended as an interim measure while a more fulsome review of SP STVR policy is undertaken.

### Objectives

- To assess the impact of STVR use and related policy and regulations on South Pender
- To review STVR regulations and policies and provide options for potential STVR regulation and policy changes

### In Scope

- Identification of number of locations of known STVRs on South Pender.
- Research and analysis of existing STVR regulations and policies.
- Public outreach including a community survey, one public meeting and one operators meeting
- Identification of STVR regulation and policy options
- Bylaw amendment process (dependent on recommendations)

### Out of Scope

- OCP of LUB amendments not related to STVR

## Workplan Overview

| Deliverable/Milestone                                                           | Date            |
|---------------------------------------------------------------------------------|-----------------|
| Project Initiation                                                              | Sept 6/2019     |
| Report on project process and endorsement of project charter                    | Dec. 16/2019    |
| Complete public/stakeholder outreach (including public meeting)                 | April/2020      |
| Report to LTC on public engagement results and policy options for LTC direction | May 1, 2020     |
| Draft Bylaws for LTC review                                                     | June /2020      |
| Consultation with STVR operators                                                | Sept/Oct 2020   |
| Bylaw amendment first reading                                                   | November 6/2020 |
| Bylaw referrals                                                                 | Nov.-Jan. 2020  |
| Public Hearing, further reading                                                 | Early 2021      |
| Bylaw amendment process completed                                               | Spring/2021     |

### Project Team

|                                                                        |                                                                            |
|------------------------------------------------------------------------|----------------------------------------------------------------------------|
| Narissa Chadwick                                                       | Project Manager                                                            |
| Maple Hung                                                             | Admin Support                                                              |
| Jackie O'Neil                                                          | GIS Support                                                                |
|                                                                        |                                                                            |
|                                                                        |                                                                            |
|                                                                        |                                                                            |
| <b>RPM Approval:</b><br>Robert Kojima<br><b>Date:</b> December 2, 2019 | <b>LTC Endorsement:</b><br>Resolution #:<br><b>Date:</b> December 16, 2019 |

### Budget

| Budget Sources: |                                                   |        |
|-----------------|---------------------------------------------------|--------|
| Fiscal          | Item                                              | Cost   |
| 2019-20         | Open House                                        | \$500  |
| 2019-20         | Advertising, communications and display materials | \$500  |
| 2020-21         | Consultation with Operators                       | \$1000 |
| 2020-21         | Public Hearing                                    | \$500  |
| 2020-21         | Legal/Contingency                                 | \$2000 |
|                 |                                                   |        |
|                 | Total                                             | \$4500 |

DATE OF MEETING: May 1, 2020  
TO: South Pender Island Local Trust Committee  
FROM: Narissa Chadwick, Island Planner  
Southern Team  
COPY: Robert Kojima, Regional Planning Manager  
SUBJECT: SP STVR Policy Review – Summary of Community Input

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## RECOMMENDATION

1. That the South Pender Island Local Trust Committee identify options they would like staff to explore in detail and report back on at a future Local Trust Committee meeting.
2. That the South Pender Island Local Trust Committee request staff revise the project charter to include input by the community on policy options before drafting bylaw amendments.

## REPORT SUMMARY

The purpose of this report is to provide the South Pender Island Local Trust Committee with a summary and analysis of input provided by the community at community information meetings and through a survey on the short term vacation rentals project, and to provide general options for LTC consideration.

The recommendations above are supported as:

- Staff have now completed the research and community outreach phase of the project;
- Public input provides the LTC with a better understanding of community perspectives regarding STVRs;
- Results indicate that while there is a division of opinion there are some shared interests;
- There are a range of options available for amending bylaws and staff cannot proceed without direction from the LTC on a preferred option; and
- The South Pender community has identified a strong interest in being part of the process of identifying options for STVR policy. Their participation in this discussion is currently challenged by current Covid 19 restrictions on meetings and travel.

## BACKGROUND

At the December 16<sup>th</sup>, 2019 LTC regular meeting staff presented a project charter for the South Pender STVR Policy Review. The South Pender Island LTC passed the following resolution:

Z:\12 Long Range Planning\11 SP\6500 LTC Work Program\20 Projects (P)\2019 - STVR Review\Staff reports\2019 SP STVR Survey Results\_April23.docx

It was Moved and Seconded,

1. **That the South Pender Island Local Trust Committee adopt the proposed project charter for the South Pender Island STVR Review.**
2. **That the South Pender Island Local Trust Committee request staff to prepare for and schedule public engagement opportunities.**
3. **That the South Pender Local Trust Committee request staff to develop an online survey to be launched in early 2020 to gather feedback on STVR policy.**

The endorsed project charter includes the following key tasks:

- Identification of locations of known STVRs on South Pender
- Research and analysis of existing STVR regulations and policies
- Public outreach including a community survey and one public meeting
- Identification of STVR regulations and policy options
- Bylaw amendment process (dependent on recommendations)

Project background and the materials shared with the public during public engagement sessions can be found here: <http://www.islandstrust.bc.ca/islands/local-trust-areas/south-pender/projects-initiatives/stvr-review-project/>

## **DATA AND ANALYSIS**

### **STVRs on South Pender**

As part of the background research for this project a review of online STVR sites which included the Pender Island Chamber of Commerce, Airbnb and VRBO was done by an Islands Trust Bylaw Enforcement Officer. In addition, a question was added to the survey asking property owners to identify if they ran an STVR that is not advertised. The results are identified below.

The numbers below are estimates. It is important to keep in mind that, in some cases, it is difficult to identify whether the STVR listed is a principal dwelling or a cottage. A number of listings identify their rental as a cottage but in many cases these “cottages” are the principal residence and there is no other secondary dwelling on the property. Also, it is possible that there are property owners that did not fill in the survey that have STVRs that are not advertised online. Also, STVR owners do hide their listings at different times of the year when they are not interested in renting. This is why all the numbers are identified as approximate.

| <b>Type of STVR</b> | <b>Number of STVRs listed</b> |
|---------------------|-------------------------------|
| Principal Dwelling  | ~12                           |
| B&B                 | ~1                            |
| Cottage             | ~9                            |
| Not Listed          | ~2                            |
| Total               | ~24                           |

An analysis done by the CRD as a part of the February 2018 [Southern Gulf Islands Housing Needs Assessment](#) identified the following STVR occupancy numbers in single family dwellings based on a review of an online STVR site.

### CRD STVR Analysis

| Time of STVR listing | Number of STVRs listed |
|----------------------|------------------------|
| STVR rentals June-17 | 19                     |
| STVR rentals Sep-17  | 18                     |
| STVR rentals Feb-18  | 10                     |

The 2005 Southern Gulf Island Accommodation Inventory identified 12 STVRs (it is not clear if these are cottages or principal residences) and 1 Bed and Breakfast on South Pender.

Based on these numbers, there appears to have been an increase in STVRs on South Pender over the past 15 years.

### Population Statistics

Other statistics that are useful to the review of STVR policy are those related to South Pender population contained in the [Southern Gulf Island Housing Needs Assessment](#), obtained from [Statistics Canada](#).

Total Private Dwellings (2016): 210

Private dwellings occupied by usual residents: 122 = 58% (decrease from 66% in 2006)

Homes Occupied by Renters (2016): 0

Based on these statistics it can be observed that 42% of homes are not permanent dwellings. Owners that do not live on the island are not renting their South Pender Island dwelling long-term. Given this, it can be assumed that they are using them part of the year. There has been a decrease of 8% in usual residents from 2006 to 2016. There has been an increase in STVRs during this time.

### Public Consultation

The public consultation process included:

1. Two in person community meetings (January 31<sup>st</sup> 2020 and February 15<sup>th</sup> 2020)
2. One online survey launched February 10<sup>th</sup> 2020 and open until March 31<sup>th</sup> 2020
3. One paper survey was sent to all property owners using addresses from BC Assessment on February 20<sup>th</sup> with a March 31<sup>th</sup> return date.

### In Person Community Meetings

January 31<sup>st</sup> attendance: 12 participants

February 15<sup>th</sup> attendance: 11 participants

At the community meetings, attendees were provided with an overview of the STVR regulations on South Pender and details about the policy review including an introduction to potential regulation options. In addition, community members were invited to engage in conversation with Trustees and Planner, and provide their input on a number of questions that were on posters on the wall using dots and sticky notes. Unfortunately there was not enough participation on the posters to provide useful data.

Some comments that were made at the public engagement events were as follows:

- Very few people can afford to stay at Poets Cove but STVR users use amenities. STVRs are an affordable alternatives for families.
- Many people who rent out an STVR use their properties and would not rent them out long-term.
- Some property owners renting STVRs plan to retire to the island or transition as fulltime residents at some point.
- When formulating new STVR regulations it is important that they accommodate the needs of both the island residents and commercial investors in a fair and balance way.
- STVRs potentially reduce the opportunity for further subdivision of land or the building of much larger homes on the island (The example provided was of a couple on the island that only live there a couple of months of the year. They rent their small house on a very large lot in order to pay for maintenance, taxes and other costs. If they were to sell the new owner may choose to subdivide. New owners may also choose to build much larger houses that do not suite the rural character of the island).

Meeting minutes from the January 31<sup>st</sup> and February 15<sup>th</sup> community meetings will be [available online](#).

## Survey

An online survey was launched on February 12<sup>th</sup>, 2019. Following discussions at the community meeting February 15<sup>th</sup> regarding the potential for the online survey to be filled in by people who were not property owners on South Pender and the potential for it to be filled in multiple times by a single person, an LTC resolution directing staff to mail a survey to the registered property owners was passed.

### **SP-2020-005**

#### **It was moved and seconded that,**

That the South Pender Island Local Trust Committee direct staff to mail a survey to the registered property owners subject to review by the Local Trust Committee

The paper survey was sent on February 21<sup>st</sup> using addresses provided by BC Assessment. The deadline for both surveys was March 31<sup>st</sup>. Participation rates were as follows:

Online: 59

Paper: 102

Attachment 1 provides a comparison of data collected in both the paper survey and the online survey. As the paper survey was seen as the method to gather the most credible data, only the inputs from the paper survey

have been used in the analysis below. The data from the paper survey is provided independent from the online survey in Attachment 2.

## **Summary of Public Engagement**

The findings of the public engagement process suggest the following:

### ***Public Interest and Understanding:***

- There is a strong interest in STVR policy on South Pender
- There is a medium to high level of understanding of existing STVR policy on SP

### ***Impacts of STVRs (General):***

- A majority of survey respondents perceive STVRs to have a positive impact on the local economy
- A majority of survey respondents perceive STVRs to have negative impact on water supply
- Survey respondents perceive the impact of STVRs on socio-economic diversity to be mostly positive and neutral.
- Survey respondents perceive the impact of STVRs on traffic flow, natural environment, sense of community, neighbourhoods and long-term rentals is to be negative and neutral.
- Some residents have had very specific problems with STVRs while others express experiencing no problems.

### ***Impacts of STVRs (Owners Experience):***

- There are STVR property owners that depend on STVR revenues to be able to afford to live on South Pender.
- There are STVR property owners who are part time residents that depend on STVR revenues to pay for and maintain their property.
- Most STVR property owners responding to the survey and attending public meetings identify that they would not rent out their properties to long-term tenants as they still want to use their properties part of the year.

### ***Principal Use, Home business and Permits:***

- There is a mix of opinion related to whether STVRs should operate with permits. A third of the respondents support STVRs as a principal permitted use and as home business (pre bylaw 117). Response to a number of the questions, including comments, indicate that there is interest in some kind of regulation to address concerns related to noise, fire, water and environmental impact.
- Many survey respondents identify interest in STVRs being allowed in principal dwellings and as a home business. There was some interest in STVRs being allowed only as a home business with TUPs.

### ***Regulation Interests:***

- The majority of survey respondents identify interest in only one primary dwelling or one cottage at a time being used as an STVR.

- Many survey respondents identify interest in STVRs being permitted to operate all year round. The main concern raised was water capacity.
- There is a range of opinions related to having a maximum limit of STVRs on South Pender (from non to no limit) with the majority identifying a limit (18 respondents/ 18%) suggesting 10% as a limit. 25% of survey respondents identified interest in limiting the number of STVRs surrounding single properties.
- Many survey respondents express interest in limits being placed on the number of bedrooms and guests where STVRs are allowed.
- A strong majority of survey respondents identify interest in tracking the number of STVRs operating on SP.

## OPTIONS

The following are a set of potential STVR policy options. These options are based on the community consultation summarized above. Next steps require the LTC to either choose one preferred option and direct staff to draft bylaw amendment approaches based on that option, or direct staff to report back with more information on one or more option. The LTC may request further consultation before deciding on which options to explore in more detail.

### 1. Return to pre- Bylaw 117 Policies and Regulations

Pre- Bylaw 117 there were two classes of STVRs on South Pender Island:

***STVRs as a Permitted Principal Use:*** STVRs in a dwelling as a permitted principal/outright use in zones allowing single family dwellings as a principal use (Rural Residential, Agricultural, Forestry, and Natural Resource zones).

***STVRs as Home Business:*** the LUB permit STVRs as a home business provided the property owner or operator or one of the employees of the home business is a resident on the lot at the time the home business is operated. This includes rental of a cottage and/or the use of the principal residence as a Bed and Breakfast, allowing up to 3 bedrooms to be rented.

A cottage could not be used for short-term vacation rental at the same time as a dwelling on the same lot is being used for short-term vacation rental.

### 2. Prohibit STVRs except as a home business

With Bylaw 117 in place, STVRs are no longer permitted as a principal permitted use. Those STVRs in operation prior to Bylaw can continue as legally non-conforming.

With this option new STVRs would only be permitted as home businesses where the property owner or operator or one of the employees of the home business is a resident on the lot at the time the home

business is operated. In principal dwellings where the owner or operator is not residing on the property, only those STVRs that are legally non-conforming (operating before Bylaw 117) would be able to continue.

This options does not provide for an avenue for compliance for those STVRs that may be operating illegally in primary residences.

### **3. Permit through site-specific Zoning Amendment**

This approach would require prospective STVR operators of a principal dwelling to apply for rezoning on site specific basis. If successful the property would be rezoned specifically to permit an STVR. Applicants would go through the rezoning process, including a public hearing, which would allow for public notification and comment.

A potential STVR zone would have general requirements reflective of OCP goals and community interests. The drawbacks of this approach include the cost of rezoning, the time involved in processing a rezoning, the need to develop guidelines, and the possibility of a continuing series of contentious rezoning decisions put forward to the LTC.

### **4. TUPs for Primary Dwelling STVRs**

Temporary use permits (TUPs) can be issued for up to three years and then renewed for another three years. TUPs provide an opportunity for LTCs to identify guidelines for the operation of STVRs. The guidelines can be different for each individual permit.

As experienced in other local trust areas, the TUP system has enabled LTCs to maintain an inventory of legally operating STVRs. On South Pender, TUP guidelines could help to address concerns identified by residents related to issues such as noise, water use, impact to the natural environment, tracking the number of STVRs as well as location of STVRs.

STVRs in primary dwellings operating prior to Bylaw 117 will be able to continue without a TUP.

### **5. TUPs for all STVRs**

Requiring TUPs for all STVRs would mean not allowing STVRs outright in primary dwellings (as above), or as a home business where the owner or operator is present on the property when the STVR is operating.

As a majority of survey respondents and those providing comments at public meetings identified limited concern with STVRs operating when the owner or operator is living on the property, this is not a recommended option.

The options identified above are very broad. The extent of amendments to the Official community Plan and Land Use Bylaw to support these options needs to be explored in more detail. Unless the LTC

identifies only one preferred option they would move forward with at this time, staff can provide more detailed analysis of potential options in a follow-up report.

#### **Rational for Recommendation:**

Recommendation:

1. That the South Pender Island Local Trust Committee identify options they would like staff to explore in detail and report back at the next Local Trust Committee meeting.
2. That the South Pender Island Local Trust Committee request staff to revise the project charter to enable fulsome input by the community on policy options before drafting bylaw amendments.

The South Pender Island community have expressed a strong interest in participating in decisions related to STVR policy. Given this, it is important to engage the community in discussion of policy options before moving forward with draft bylaws. A more detailed discussion of options, to include direction for draft bylaws would provide the basis for fulsome community discussion of options. In light of Covid 19, the type of engagement and timing of the engagement will need to be considered within the revised project charter.

#### **ALTERNATIVES**

##### **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.

Resolution:

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

##### **2. Identify a preferred policy option and move forward with project charter as is**

The LTC may decide to move forward with the project charter as is, choose a policy option and request staff to prepare draft bylaws for review at the next LTC meeting.

Resolution:

*That the South Pender Island Local Trust Committee request that staff prepare draft bylaws on Option\_\_\_\_\_ to be reviewed at the next LTC regular meeting.*

## NEXT STEPS

If preferred policy options are identified by the LTC, staff will provide a more detailed analysis of options (including direction for bylaw changes), and amend the project charter to include public engagement (timing and nature TBD based on Covid 19 protocol) to discuss options prior to bylaw amendments being drafted.

|               |                                          |                |
|---------------|------------------------------------------|----------------|
| Submitted By: | Narissa Chadwick, Island Planner         | April 21, 2020 |
| Concurrence:  | Robert Kojima, Regional Planning Manager | April 22, 2020 |

## ATTACHMENTS

1. Results of 2020 South Pender STVR Survey – Paper and Online Survey
2. Results of the 2020 South Pender Survey – Paper Survey

## Results of 2020 South Pender STVR Survey – Paper and Online Survey

Below are the results of both the online survey and the paper mail out survey that invited South Pender Island residents and property owners to contribute their opinions to the South Pender STVR policy review.

The online survey was launched on February 10<sup>th</sup>, 2020. Concerns related to the potential for the online survey to be filled in multiple times by the same person and by people that were not residents or property owners on South Pender Island prompted a mail out paper survey to South Pender property owners on February 20, 2020. The survey completion date was March 31<sup>st</sup>, 2020.

The two surveys had identical questions. Only the paper survey results are reported in the report to trustees related to survey results. The results of each survey are here for comparison. The number of surveys received were as follows:

Online: 59

Paper: 102

### 1. I am:

| Answer Choices                                    | Online Survey | Paper Survey |
|---------------------------------------------------|---------------|--------------|
| Permanent resident property owner on SP           | 53%           | 70%          |
| Property Owner on SP but not a permanent resident | 47%           | 30%          |

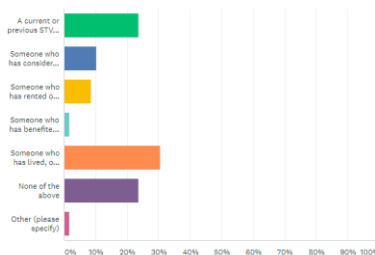
### 2. I am:

| Answer Choice                                                                | Online Survey | Paper Survey |
|------------------------------------------------------------------------------|---------------|--------------|
| A current or previous STVR operator on SP                                    | 25.5%         | 26%          |
| Someone who has considered operating an STVR on SP                           | 11%           | 8%           |
| Someone who has rented or has been interested in renting an STVR on SP       | 5.5%          | 3%           |
| Someone who has benefited from the existence of STVRs on SP                  | 2%            | 9%           |
| Someone who has lived, or continues to live close to an STVR operating on SP | 33%           | 27%          |
| None of the above                                                            | 22%           | 25%          |
| Other                                                                        | 2%*           | 4%**         |

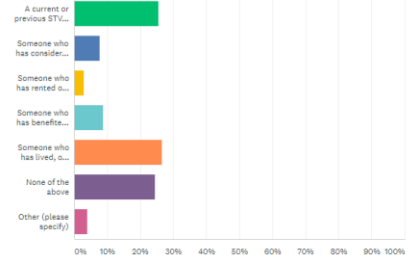
\*Both someone who has considered operating an STVR, and who has considered renting an STVR

\*\*Answers provided not relevant to question

Online Survey



Paper Survey



**3. Do you operate an STVR that is not listed on the Pender Island Chamber of Commerce website, AirBnB or VRBO/HomeAway?**

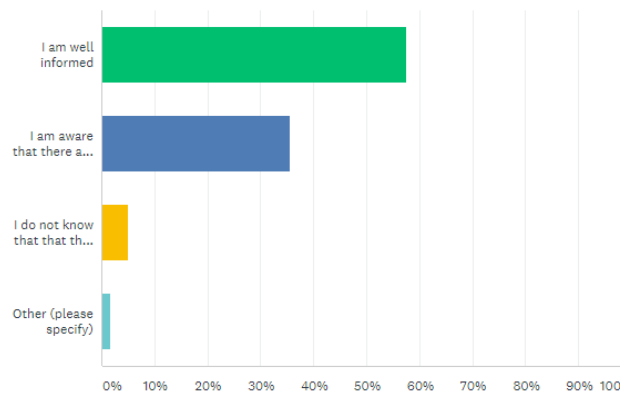
| Answer Choice | Online Survey | Paper Survey |
|---------------|---------------|--------------|
| Yes           | 4             | 2            |

**4. Are you familiar with the bylaws and policies permitting STVR business on South Pender?**

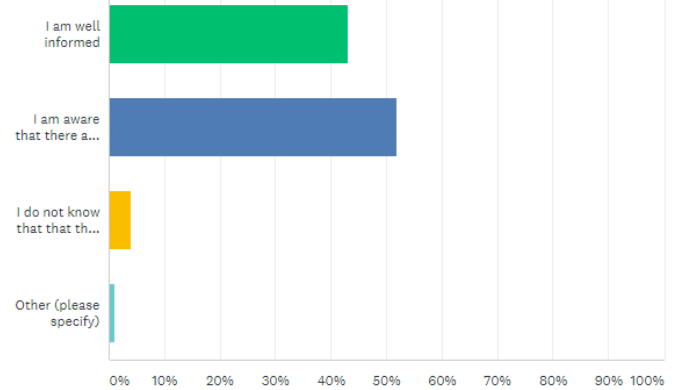
| Answer Choices                                                                     | Online Survey | Paper Survey |
|------------------------------------------------------------------------------------|---------------|--------------|
| I am well informed                                                                 | 60%           | 44%          |
| I am aware that there are STVR bylaws and policies but I am not familiar with them | 33%           | 53%          |
| I do not know that there are bylaws and policies regulating STVRs                  | 5%            | 4%           |
| Other*                                                                             | 2%            | 1%           |

\*Aware of the bylaws and policies, could be more informed

**Online Survey**



**Paper Survey**



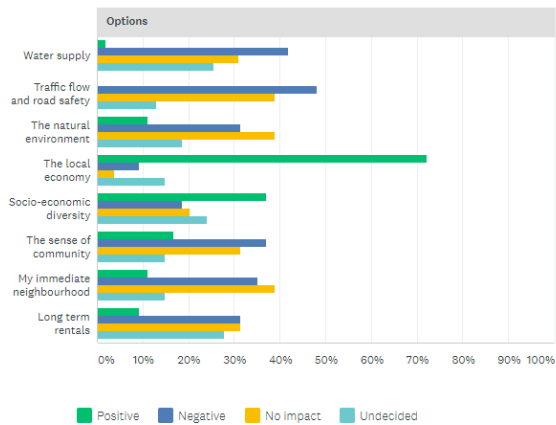
**5. Have you attended one of the Short Term Vacation Rental Meetings on South Pender?**

| Answer Choices | Online Survey | Paper Survey |
|----------------|---------------|--------------|
| Yes            | 38%           | 38%          |
| No             | 62%           | 62%          |

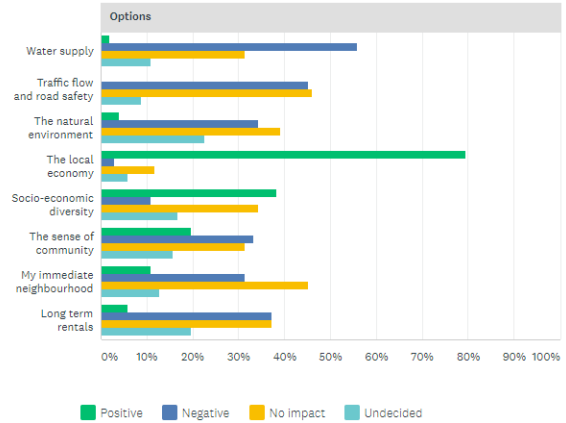
## 6. STVRs have an impact on:

| Options                      | Positive |       | Negative |       | Neutral |       | Undecided |       |
|------------------------------|----------|-------|----------|-------|---------|-------|-----------|-------|
|                              | online   | paper | online   | paper | online  | paper | online    | paper |
| Water Supply                 | 2%       | 2%    | 42%      | 57%   | 31%     | 32%   | 26%       | 11%   |
| Traffic flow and road safety | 0%       | 0%    | 48%      | 46%   | 39%     | 47%   | 13%       | 9%    |
| The natural environment      | 11%      | 4%    | 32%      | 34%   | 39%     | 39%   | 19%       | 23%   |
| The local economy            | 72%      | 79%   | 9%       | 3%    | 4%      | 12%   | 15%       | 6%    |
| Socio-economic diversity     | 37%      | 38%   | 19%      | 11%   | 20%     | 34%   | 24%       | 17%   |
| The sense of community       | 17%      | 20%   | 37%      | 33%   | 32%     | 31%   | 15%       | 16%   |
| My immediate neighbourhood   | 11%      | 11%   | 35%      | 32%   | 39%     | 45%   | 15%       | 13%   |
| Long term rentals            | 9%       | 6%    | 31.5%    | 37%   | 31.5%   | 37%   | 28%       | 20%   |

Online Survey



Paper Survey



### Comments \*online \*\*paper

#### Negative Impacts (General)

\*Negative impact re: noise/party/feelings of safety/ unknown people and vehicles coming and going

\*police, fire protection- expensive -school, health centre

\*The cityots trample, litter, driveover and speed everywhere.

\*\*If an STVR is in an unpermitted building, the plumbing/septic may not be properly dealt with, and have negative health impacts on neighbours and guests

\*\*As these STVRs are businesses, most of whom are run by home owners, sometimes they cut corners to make income and save on expenses. One South Pender STVR was made "illegally" and did not have CRD permits, and also did not have an ROWP for waste system, so was also unpermitted from VIHA. The waste water pollution affected more than one property's water source. Also, the STVR's operator phoned to stop neighbours from making normal noise during the day as they had a client, and they did not want them impacted. This applied to all surrounding neighbours, and noise offences included having loud grandchildren visiting.

#### Fire

\*Fire damage. People from the city are less aware of the dry forests on Pender in the summer and no butts no bbqs

\*fires as often users are unaware of degree of hazard.

\*Fire - unaware of impact and precautions needed

#### Water

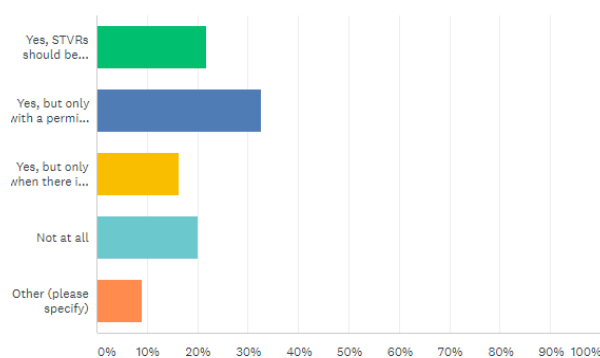
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| *South Pender has always had a drier climate than North and has therefore more concerns with water supply. Within neighbourhoods properties can vary tremendously as to the output of wells. Well drillers are required to provide groundwater well logs to the provincial government when a well is drilled. A good piece of information is the static level of the well. This is the well level under normal, no-pumping conditions. This would be a way of checking whether conditions have changed. |
| *users are generally unaware/ lack care with water use                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| **The water supply issue on Pender and South Pender could be addressed by water catchment during the wet seasons.                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Traffic</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| *South P has very few straight stretches of road, and as with many of the gulf islands has its complement of twists and turns, blind corners and hills. People unfamiliar with the roads used to driving at higher posted speeds increase the potential for accidents.                                                                                                                                                                                                                                  |
| <b>Tourism</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| *Respecting others around you and an understanding of what attracts visitors to the island could be incorporated into STVR house rules                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Long-term rentals</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| ** We have found that long term rentals have not provided the necessary revenue to maintain a house and its surrounding property.                                                                                                                                                                                                                                                                                                                                                                       |
| *Our STVR is open concept designed and is unsuitable as a family home. WE tried to rent it long term and it did not attract renters. As an STVR is seems to be perfect for a limited time.                                                                                                                                                                                                                                                                                                              |
| **I would not rent out my home for long term rentals if I was not renting as vacation rentals; we only rent out when we are not using our home.                                                                                                                                                                                                                                                                                                                                                         |
| ** I would not rent long term because we live in the house that we rent 10 months of the year. We take this opportunity in the summer to have time with our family and this allows us to afford this time.                                                                                                                                                                                                                                                                                              |
| <b>Positive Impact</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| **STVRs have a positive influence on tourism                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| **Me and a few others could not afford to live here without being able to rent. Most of our renters are ecologically aware and have actually taught me many things. My neighbours are fine with us having an STVR. When I talk to our guests I am proud to talk about the community and in that way I feel more connected to the community. At least 3 guests that have stayed here have come to join our Pender islands Community                                                                      |
| <b>Other/General</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| **Impacts are not consistently negative, but are on occasion and at some times of the year                                                                                                                                                                                                                                                                                                                                                                                                              |
| **Impacts dependent on the attitude of renters                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| **Neighbour relations, STVR owners appear to put themselves, and their business interests above community, neighbours and the rural nature of South Pender                                                                                                                                                                                                                                                                                                                                              |

## 7. Do you support primary dwellings being allowed to operate as STVRs?

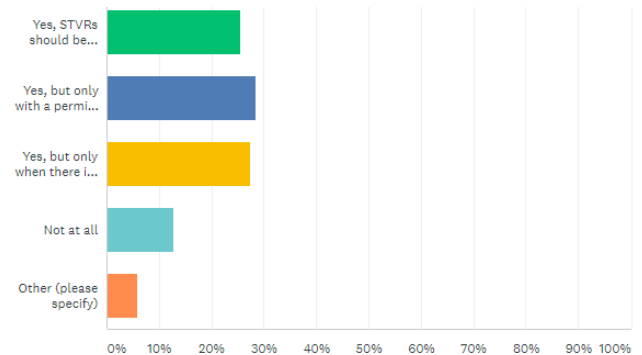
| Answer Choices                                                                                       | Online Survey | Paper Survey |
|------------------------------------------------------------------------------------------------------|---------------|--------------|
| Yes, STVRs should be allowed in primary dwellings with as few regulations as possible                | 22%           | 25%          |
| Yes, but only with a permit that identifies conditions that need to be adhered to                    | 33%           | 29%          |
| Yes, but only when there is a full-time resident living on the property (e.g. living in the cottage) | 16%           | 13%          |
| Not at all                                                                                           | 9%            | 13%          |
| Other*                                                                                               | 10%           | 6%           |

\*responses identify an interest in some kind of conditions/regulations for STVRs

Online Survey



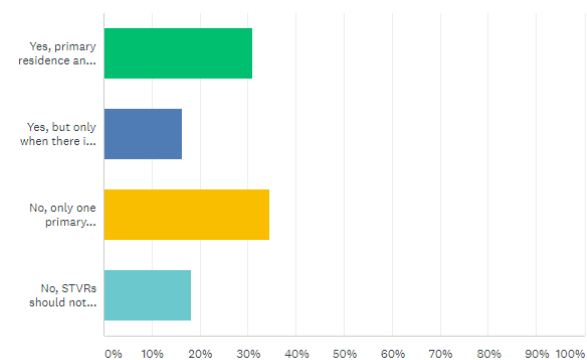
Paper Survey



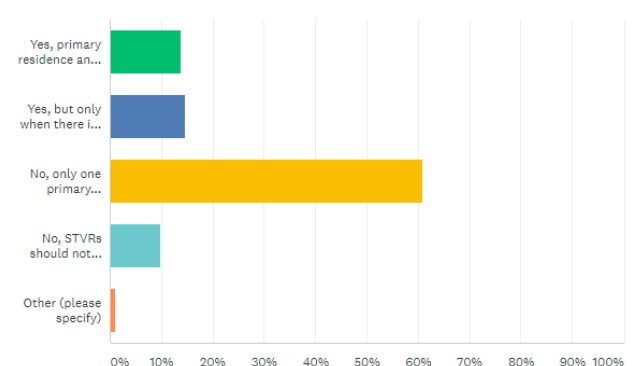
## 8. Do you support more than one STVR operating on a single property at the same time?

| Answer Choice                                                                             | Online Survey | Paper Survey |
|-------------------------------------------------------------------------------------------|---------------|--------------|
| Yes, primary residence and cottage with no restrictions                                   | 31%           | 14%          |
| Yes, but only when there is someone living on the property                                | 16%           | 15%          |
| No, only one primary dwelling or one cottage when there is someone living on the property | 35%           | 61%          |
| No, STVRs should not operate                                                              | 18%           | 10%          |

Online Survey



Paper Survey

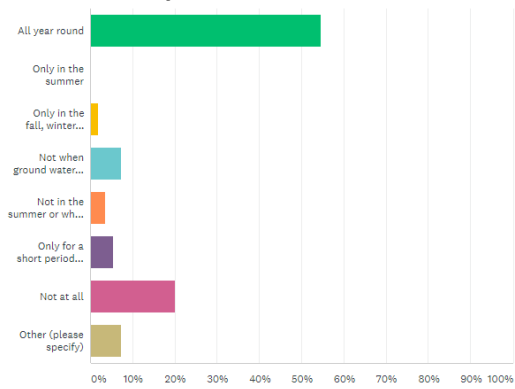


## 9. STVRs should be permitted to operate in primary residences:

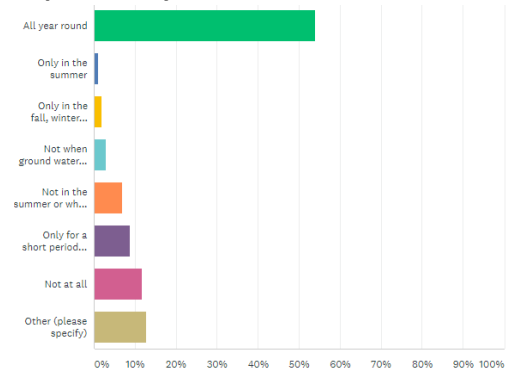
|  | Answer Choice                                                             | Online Survey | Paper Survey |
|--|---------------------------------------------------------------------------|---------------|--------------|
|  | All year round                                                            | 55%           | 55%          |
|  | Only in the summer                                                        |               | 1%           |
|  | Only in the fall, winter, spring                                          | 2%            | 2%           |
|  | Not when ground water is most impacted (most impact Sept-Dec)             | 7%            | 3%           |
|  | Not in the summer or when ground water would be most impacted             | 4%            | 7%           |
|  | Only for a short period of time when the full time resident is on holiday | 5%            | 9%           |
|  | Not at all                                                                | 22%           | 12%          |
|  | Other*                                                                    | 7%            | 13%          |

\*Answers included the following: Not at all, except existing prior to 117 all year round, In limited numbers, all year round, subject to conditions. Some concerns related to water availability ere raised.

**Online Survey**

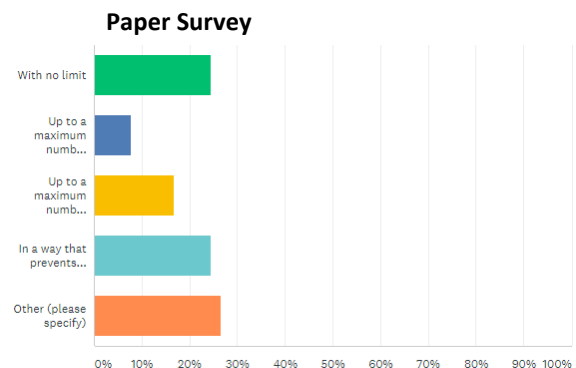
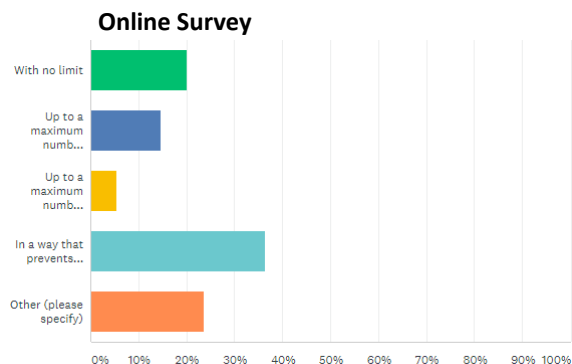


**Paper Survey**



**10. STVRs should be permitted to operate (choose the option you feel most strongly about):**

| Answer Choice                                                         | Online Survey | Paper Survey |
|-----------------------------------------------------------------------|---------------|--------------|
| With no limit                                                         | 20%           | 25%          |
| Up to a maximum number on the island                                  | 15%           | 8%           |
| Up to a maximum in each neighbourhood                                 | 5%            | 17%          |
| In a way that prevents property owners from being surrounded by STVRs | 36%           | 25%          |
| Other                                                                 | 24%           | 27%          |



|                                                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Other Comments *online **paper</b>                                                                                                                                    |
| <b>Regulation Suggestions</b>                                                                                                                                            |
| *Any limits should be based on a percentage or ratio to a measurement of community size (total private residences, population, etc.), as opposed to an arbitrary number. |
| *As a business, with a business license - this type of business should be left to B&B's or other places that are regulated, and pay taxes on the use                     |
| *with reasonable limits to ensure permanent residences are minimally impacted                                                                                            |
| *Hotels and Bed& Breakfasts, both of which should be zoned as businesses, should solely be allowed to provide accommodation.                                             |
| **On properties above 2 acres in size                                                                                                                                    |
| **With 24/7 on island contact *With publically available contact number for the owner                                                                                    |
| **It's not about numbers. It's about siting and criteria that makes them welcome and invisible.                                                                          |
| **Noise factor should be considered per neighbourhood                                                                                                                    |
| <b>Should not be permitted</b>                                                                                                                                           |
| *Existing prior to 117 only **no new ones – only ones that have been operating                                                                                           |
| *Should not be permitted to operate at all                                                                                                                               |
| *not permitted to operate. business zoned Bed and Breakfasts, and hotels should house tourists                                                                           |
| <b>Problems with weekenders</b>                                                                                                                                          |
| **Weekend owners are the real concern. Can't really deal with STVRs until data on weekend owners is available.                                                           |
| <b>There's no problem</b>                                                                                                                                                |
| *I don't feel that there's enough STVR's currently operating to need limitations but if it becomes more predominant then some sort of limit should be imposed.           |

**11. If you think there should be a maximum limit of STVRs on the island what would that limit be (as a percentage of total properties on the island?)**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Response</b> *Online Survey **Paper Survey                                                                                                                                                                                                                                                                                                                                                                                                                             |
| *30%, 20%, 10%, 25%, 15%, 10%, 20-25%, 25%, 25%, 10%, 5%, 20%, 10-15%, 20%, 10%, 10%,20%,10%, 10%, 25%, 10%, no limit, 0%                                                                                                                                                                                                                                                                                                                                                 |
| **30%, 50%, 3%, 10%, 10%, 5-10%, 10%, 10%, 30-35%, 30%, 5%, 57%, 10%, 5%, 10%, 20%, 30%, 10%, 5-10%, 5%, 5%, 10%, 10%, 15%, 10%, 40%, 10%, 10%,10%, 20-25%, 10%, 10%, 10%                                                                                                                                                                                                                                                                                                 |
| <b>No more/Not at all</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| *Only those existing prior to 117                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| *I do not think we need STVR's on South Pender, as we have a large resort, as well as a couple of B&B's. If they are required to follow regulations and pay taxes on their business use, any other people having guests as a business should have to do the same                                                                                                                                                                                                          |
| **Don't know but as above I do not observe we have enough to satisfy those who want to come and to stimulate business and employment                                                                                                                                                                                                                                                                                                                                      |
| <b>Regulation Suggestions</b>                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| * Any limit would need to be empirically and fairly made, perhaps learning from other communities. Some folks may have infrequent rentals/or when they travel, so the guidelines need to account for full time versus occasional rentals.                                                                                                                                                                                                                                 |
| * It is not that simple. To me it depends on the type of guests welcomed into these STVR's and if a manager or permanent resident is there to oversee their impact.                                                                                                                                                                                                                                                                                                       |
| ** If owner lives on the property there should be no limit.                                                                                                                                                                                                                                                                                                                                                                                                               |
| **Controlled by permit                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| ** Since there are comparable surveys being done on other gulf islands you could establish a benchmark and then compare that information to the current percentages we have on South Pender. Explore the how and why. We also have the 2005 data and could get an accurate count for 2020 of existing STVRs, get tourist numbers for 2005 and 2019, it could establish a growth pattern in relation to the additional number of current STVRs we now have on South Pender |

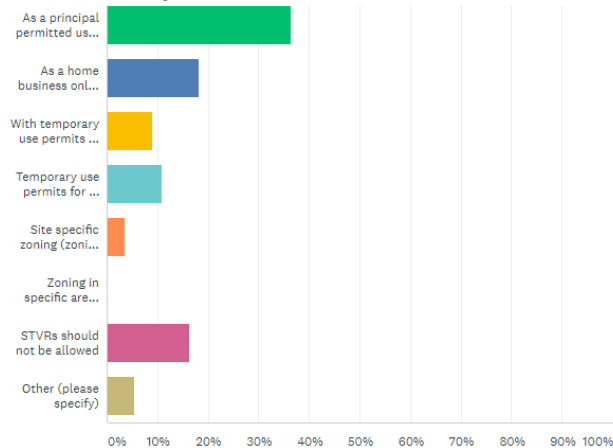
## 12. Are there areas on the island where STVRs should not be permitted?

|                                                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Response</b> *Online Survey **Paper Survey                                                                                                                                                      |
| No *(20) **(23)                                                                                                                                                                                    |
| All areas **(7)                                                                                                                                                                                    |
| Castle Road **(2)                                                                                                                                                                                  |
| <b>Not on smaller properties</b>                                                                                                                                                                   |
| Not on smaller properties **(4)                                                                                                                                                                    |
| * Not on lots less than one acre. Where lots are 2 acres or more as permitted by the by-law siting could be considered to reduce the impact of cottages on neighbours                              |
| <b>Not close to other homes</b>                                                                                                                                                                    |
| *Not if it is very close to a neighbouring house                                                                                                                                                   |
| **Parcels less than 1.2 hectares structures should be limited by setback form road right of way. Out of sight if possible.                                                                         |
| **Not in areas where privacy zone cannot be established between adjacent neighbours.                                                                                                               |
| **Not when someone is surrounded by them-                                                                                                                                                          |
| **Not if house is close to other homes.                                                                                                                                                            |
| ** Residents, who do not wish to have STVRs could apply for rezoning to a new zone which prohibits STVRs                                                                                           |
| <b>Water/Habitat concerns</b>                                                                                                                                                                      |
| *Not where known issues exist with well water supplies.                                                                                                                                            |
| **Not in homes with a low water supply.                                                                                                                                                            |
| **No area with rare ecological habitat                                                                                                                                                             |
| **Not where ground water is an issue unless residents have adequate water collection                                                                                                               |
| **Groundwater! sensitive ground water and natural settings                                                                                                                                         |
| ** Not in areas with sensitive ground water and natural settings                                                                                                                                   |
| ** Not in ecologically sensitive areas or in areas with limited water                                                                                                                              |
| <b>Population density</b>                                                                                                                                                                          |
| **Not in areas with a higher population density.                                                                                                                                                   |
| ** The island is rural in character so properties then to have offset that allow good privacy from next door neighbours. If that changes, ie: more density, then it would need further discussion. |

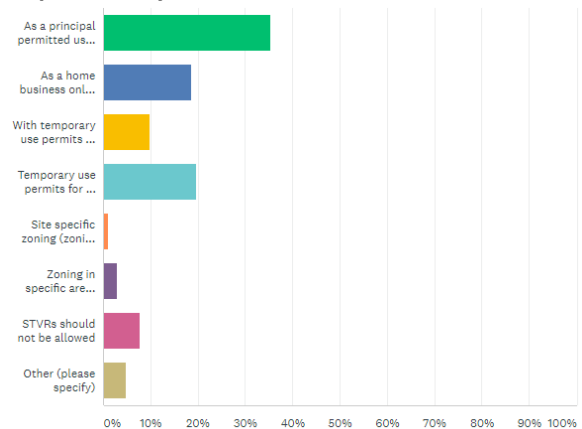
### 13. STVRs should be allowed:

| Answer Choices |                                                                                | Online Survey | Paper Survey |
|----------------|--------------------------------------------------------------------------------|---------------|--------------|
|                | As a principal permitted use and as a home business (same as before Bylaw 117) | 36%           | 35%          |
|                | As a home business only – cottage and B&B (current)                            | 18%           | 19%          |
|                | With TUP for principal dwelling and as home business (B&B and cottages)        | 9%            | 10%          |
|                | TUPs for all STVRs                                                             | 11%           | 20%          |
|                | Site specific zoning (zoning individual properties for STVR use)               | 4%            | 1%           |
|                | Zoning in specific areas (concentrating STVR operation in specific areas)      | 0%            | 3%           |
|                | STVRs should not be allowed                                                    | 16%           | 8%           |
|                | Other (please specify)*                                                        | 5%            | 5%           |

#### Online Survey



#### Paper Survey



#### Responses for "Other"

##### Same as prior to Bylaw 117

Same as before but add registration of STVRs, reporting on how many rentals for how many people, and then surveys to study impact.

##### Only those operating pre Bylaw 117

STVRs should not be allowed except those existing pre-117

##### Regulation needed

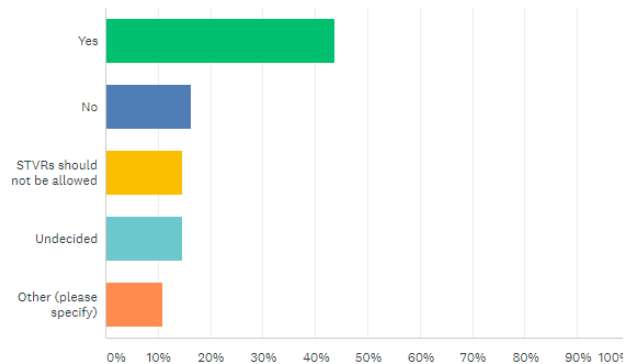
I believe anyone operating a hospitality business should be regulated, and do not agree with the free for all which the previous bylaws allowed. We need more long-term housing, not more vacation rentals.

TUP permit for B&Bs- in cottages

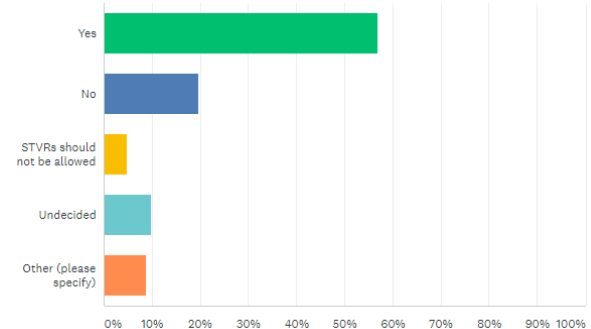
#### 14. Where STVRs are allowed, should the number of bedrooms or guests be limited?

| Answer Choices              |  | Online Survey | Paper Survey |
|-----------------------------|--|---------------|--------------|
| Yes                         |  | 44%           | 57%          |
| No                          |  | 16%           | 20%          |
| STVRs should not be allowed |  | 14.5%         | 5%           |
| Undecided                   |  | 14.5%         | 10%          |
| Other*                      |  | 11%           | 9%           |

Online Survey



Paper Survey

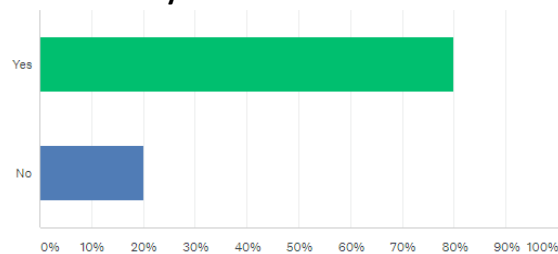


| Responses for "Other"                                                                                                                                                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Based on size of house/property</b>                                                                                                                                                                                                                                                                                |
| # of guests should be limited by the number of bedrooms (2 guests per BR, plus 2 if there is a pull out couch)                                                                                                                                                                                                        |
| *Number of guests should be appropriate for the property size, case by case basis                                                                                                                                                                                                                                     |
| *We already limit house and cottage size this should be sufficient to manage the number of bedrooms. Most responsible STVR operators limit the number of guests                                                                                                                                                       |
| <b>Based on Square foot and number of rooms</b>                                                                                                                                                                                                                                                                       |
| size of cottages is controlled and limits occupancy                                                                                                                                                                                                                                                                   |
| Cottages are limited because of size and house may have 4 bedrooms.                                                                                                                                                                                                                                                   |
| A registration could include information such as the maximum guests allowable at your STVR and the number of beds/bedrooms so that you could get a better idea of the current needs. In the six years of short term renting we have had a dozen bookings that were not able to accommodate due to the number of beds. |
| # of guest and bedrooms should be dictated by size of house and hopefully common sense.                                                                                                                                                                                                                               |

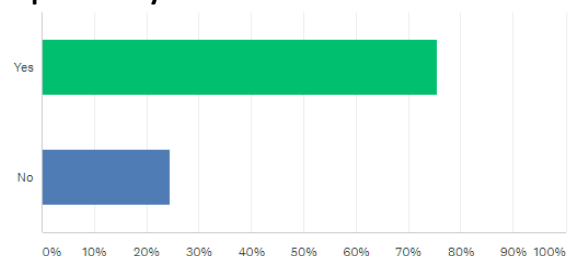
**15. Do you feel it is important to track the number of properties operating STVRs on South Pender?**

| Answer Choice |  | Online Survey | Paper Survey |
|---------------|--|---------------|--------------|
| Yes           |  | 80%           | 77%          |
| No            |  | 20%           | 25%          |

**Online Survey**



**Paper Survey**



**16. Is there anything not covered by this survey that you would like to share about STVRs on South Pender Island?**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Benefits of STVRs</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Important to determine the positive economic impact that such rentals bring to the island. Also offer the public an opportunity to enjoy nature, important for families and lower income folks. Also enable folks to keep up their house, if rental income is needed.                                                                                                                                                                                                                                                                                  |
| Short term visiting guests bring much needed revenue to local businesses and restaurants to the island                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| When run properly by responsible owners, I think that STVRs can be beneficial to the owners and the island community                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| We purchase a family property to be used and handed down for generations. The only way we could make this happen is by utilizing it as a STVR when we are not there. We are young families that love being a part of the community on Pender and making memories with our loved ones. If we were no longer able to utilize it as STVR, we would not be able to afford it any longer. We chose South Pender because it is rural and we love the sense of community. We anticipate to settle there permanently when we retire in approximately 10 years. |
| It seems to me that there are not that many STVRs on South Pender and that very few of them get complaints. Most of the STVR's that I know about help the owners in some ways to mitigate costs of owning the land; otherwise they would not be able to keep the property. If STVRs were not allowed for these particular properties with financially challenged owner then the property would have to shift to a higher socio-economic level.                                                                                                         |
| I am a respectful user of STVRs around the world. It has allowed me to visit, explore, and send money in many places.                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| They provide accommodation for families who would not be able to afford other accommodation. The island businesses benefit financially.                                                                                                                                                                                                                                                                                                                                                                                                                |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| There is so little industry and available jobs on the Gulf Islands that STVRs are important income for many people. I am one and depend on the income to be able to stay on island as it is a very expensive place to live now.                                                                                                                                                                                                                                                                 |
| Allowing STVRs brings money to the island...why limit that?                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| I believe they are necessary to help local business and employment                                                                                                                                                                                                                                                                                                                                                                                                                              |
| There are many things that are valuable - shopping, use of amenities and sharing our rural atmosphere.                                                                                                                                                                                                                                                                                                                                                                                          |
| The positive benefits of bringing families to the island                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| We must be careful of restricting access and enjoyment of others on the Gulf Islands and the cost of unnecessary regulations should be avoided always.                                                                                                                                                                                                                                                                                                                                          |
| We have found that introducing guests to our island has been pleasurable and rewarding. Our guests come from all parts of the world and found their time on South Pender memorable and relaxing. The survey has to effectively address the concerns of the South Pender Island property owners allowing the trustees to correctly plan the next steps from the information gathered. It would be good to have a timeline on when and how this information will be used.                         |
| <b>Need for Regulation/Regulation Process</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| There should be a regulation that neighbours on each side should be informed and consulted and contact info should be available to these neighbours.                                                                                                                                                                                                                                                                                                                                            |
| They should be reasonably regulated as are all home businesses                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| STRICT....VERY STRICT RULES MUST APPLY in relation to fire, water and noise related issues.                                                                                                                                                                                                                                                                                                                                                                                                     |
| The number of STVRs on a property should depend on the size of the property                                                                                                                                                                                                                                                                                                                                                                                                                     |
| There should be some form of taxation or temporary use permit or fees to cover additional expenses of policing, fire protection, water monitoring, highways maintenance, etc. This process seems unnecessarily rushed, without sufficient data to back up choices and decisions. What was the impetus for the urgency of this process? Was there a sudden influx of new STVR's? Was there an incident that exemplified previously unforeseen dangers? Was this influencing property values? ??? |
| enforcement against unregistered operators.                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Permanent residents should be able to review the rules and evaluate if they serve the community as wanted (every 3-5 years.)                                                                                                                                                                                                                                                                                                                                                                    |
| Generally a good concept but need to follow some common sense guide lines.                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 1) safety issues and policing for notifying police to deal with noise issues. 2 ability to complain and have permits cancelled for abuse (ie noise) 3) if permit allows 2 people and 5-10 are showing up then police to deal with party central.                                                                                                                                                                                                                                                |
| noise bylaws, fire hazards, who enforces.                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Until there is proper data on weekend present use and future use you cannot realistically deal with STVRs                                                                                                                                                                                                                                                                                                                                                                                       |
| I feel very strongly that STVRs should only be allowed on a basis that permits can be revoked at anytime should it be deemed necessary due to increased environmental risks (e.g. forest fires, water shortages) or should a permit holder not comply with regulations or the STVR pose excessive health risk (e.g. Covid 19)                                                                                                                                                                   |
| Each neighbourhood should be consulted to determine the maximum number and adjacent residents consulted before TUP is approved for principle residence.                                                                                                                                                                                                                                                                                                                                         |
| If regulations are established they should not be onerous.                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Permits should have rules related to dogs, smoking, open fires, notice to neighbours, water conservation                                                                                                                                                                                                                                                                                                                                                                                        |
| A tourist guideline for water usage, fire protection, park usage (no garbage , doggy bags) posted in units, preferably discussed by the owner.                                                                                                                                                                                                                                                                                                                                                  |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| I think it is really important to have clear info sheets about water conservation etc.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| In general, the vast majority of people coming to the island are respectful and come here to enjoy all that we have to offer...in particular the peace, quiet and beautiful surroundings. Unfortunately there are always a few who aren't mindful of their actions and come here to party. The trick is in finding a way to still offer STVRs, but to minimize the possibility of undesirable behavior and consequences. I think there needs to be more accountability on the part of owners/landlords regardless of whether or not they live on site.                                          |
| Guests need to be made aware of the island's sensitive aquaculture.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Type of instructions by STVR operators to renters about water use, fire prevention, safety, noise, exterior lights etc.                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Any problems associated with STVRs should be dealt with on an individual basis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Negative Impact</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Existing b&Bs and Poets Cove provide access to the island. STVRs in our experience have attracted individuals that lack respect for the quiet rural nature of the island and its sensitive natural environment. We have had several bad experiences with STVRs nearby                                                                                                                                                                                                                                                                                                                           |
| Concerns: dogs loose, security, fire precautions, neighbours need a contact and what to do if problems eg. noise                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| STVRs have had a tremendous impact on our personal use and enjoyment of our property. No business should be allowed to pollute someone else's water for the sake of saving some expenses.                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Need for long-term housing</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| We need more long-term rentals for residents, and we need fewer tourists, not more tourists. We do not even have enough homes for all the needed employees for our year-round businesses on both Penders, and encouraging long-term rentals should be a strong focus. We need a rental referral or help group on the Penders, so people would be more willing to rent for the long term, and not be worried about their apartments getting destroyed - AirBnB gives home owners insurance, and we need something like that for long-term rentals, as well as a way to get reference checks, etc |
| If properties are owned by investors, not residents, we lose our volunteer base that we rely on for many services. STVRs also take properties out of a rental pool for residents, which results in people not able to find a place to live. re#17 a survey is just one tool available to the LTC                                                                                                                                                                                                                                                                                                |
| We need more long-term rentals to diversify our community, and STVRs take away some of these. Our community becomes diminished with STVRs, not strengthened.                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Issues with water usage</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| We all are on wells and septic, or catch rainwater - I do know that visitors to our island are not nearly as careful as residents about water usage, and what happens on our neighbour's property does directly affect us, in terms of water usage, and waste disposal (which is not always done in any way near to a legal and safe fashion).                                                                                                                                                                                                                                                  |
| Water Catchment needs to be discussed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| STVR regulation is a "solution looking for a problem" that strips property owners of rights.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Unlawful STVR conditions</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| STVRs on South Pender have been in unpermitted buildings, with unpermitted waste systems flowing into water systems of neighbours, and the STVR's own wells. These are ultimately deferred expenses of the STVR owners, and these expenses will come due one day. Unpermitted waste systems are potentially very costly in terms of health and liability for any jurisdiction, Island Health, and the STVR owners. STVRs should not be allowed.                                                                                                                                                 |
| Data on statistics regarding possible deleterious effects of STVRs, before and after changes in laws. We can't compare what we haven't measured. e.g. policing duties, water levels in wells. fire call-outs, emergency preparations.                                                                                                                                                                                                                                                                                                                                                           |

|                                                                                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Other</b>                                                                                                                                                                                   |
| STVRs should not be allowed as Islands Trust does not have jurisdiction over needed related aspects, including water, septic, traffic, and noise.                                              |
| STVR limits are not going to increase full time rentals on South Pender, because of the value of property and homes and intermittent use by owners.                                            |
| I understand the concern, but with no hard data saying there is an issue, no mandate putting in an interim stop to STVRs concerns me. It is a very very dangerous precedent that could be used |
| Want the quiet stable rural character of south pender to be maintained . No partiers to increase noise pollution and upset eco balance and permanent residents.                                |
| Statistics for past use problems or difficulties would be helpful -as would other islands' experiences (e.g. policing, fire protection, water problems etc. )                                  |
| How the I.T can better engage to ensure owners and neighbours knew about the bylaws and enforcement options already in place                                                                   |

**17. Is a survey and effective way of capturing the opinions of South Pender Island property owners on the issues that effect them?**

| Answer Choice | Online Survey | Paper Survey |
|---------------|---------------|--------------|
| Yes           | 81.5%         | 85%          |
| No            | 18.5%         | 15%          |

## Results of 2020 South Pender STVR Survey – Paper Survey

Below is the summary of results of the paper mail out survey.

Following discussions at the community meeting February 15<sup>th</sup> regarding the potential for the online survey to be filled in by people who were not property owners on South Pender and the potential for it to be filled in multiple times by a single person, an LTC resolution directing staff to mail a survey to the registered property owners was passed. The paper survey was sent on February 21<sup>st</sup> using addresses provided by BC Assessment. The deadline for both surveys was March 31<sup>st</sup>, 2020. Total participation in the survey was 102.

The results below will be used to inform the development of options for SP STVR policy.

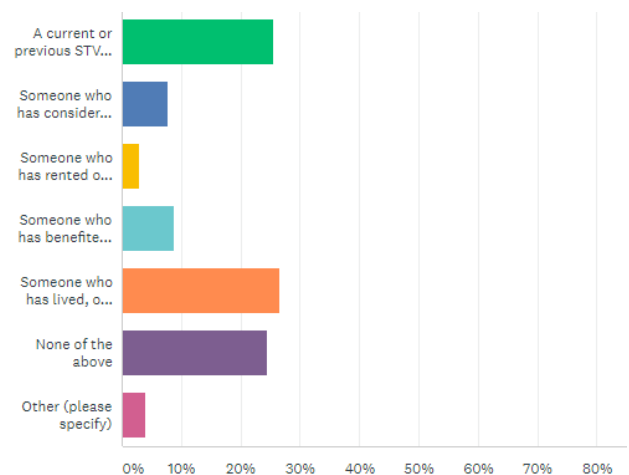
### 1. I am:

| Answer Choices                                    | Paper Survey |
|---------------------------------------------------|--------------|
| Permanent resident property owner on SP           | 70%          |
| Property Owner on SP but not a permanent resident | 30%          |

### 2. I am:

| Answer Choice                                                                | Paper Survey |
|------------------------------------------------------------------------------|--------------|
| A current or previous STVR operator on SP                                    | 26%          |
| Someone who has considered operating an STVR on SP                           | 8%           |
| Someone who has rented or has been interested in renting an STVR on SP       | 3%           |
| Someone who has benefited from the existence of STVRs on SP                  | 9%           |
| Someone who has lived, or continues to live close to an STVR operating on SP | 27%          |
| None of the above                                                            | 25%          |
| Other                                                                        | 4%*          |

\*Answers provided not relevant to question



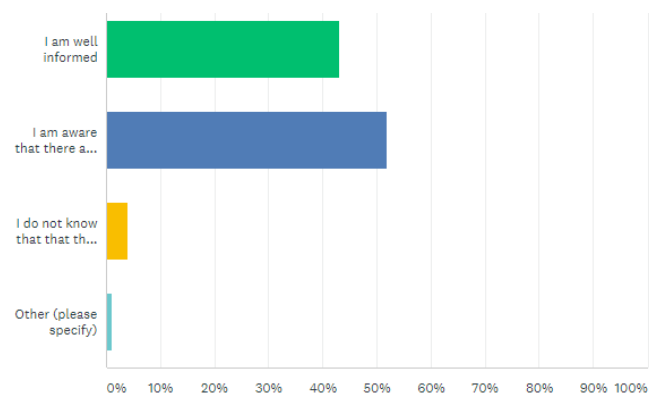
**3. Do you operate an STVR that is not listed on the Pender Island Chamber of Commerce website, AirBnB or VRBO/HomeAway?**

| Answer Choice | Paper Survey |
|---------------|--------------|
| Yes           | 2            |

**4. Are you familiar with the bylaws and policies permitting STVR business on South Pender?**

| Answer Choices                                                                     | Paper Survey |
|------------------------------------------------------------------------------------|--------------|
| I am well informed                                                                 | 44%          |
| I am aware that there are STVR bylaws and policies but I am not familiar with them | 53%          |
| I do not know that there are bylaws and policies regulating STVRs                  | 4%           |
| Other*                                                                             | 1%           |

\*Aware of the bylaws and policies, could be more informed

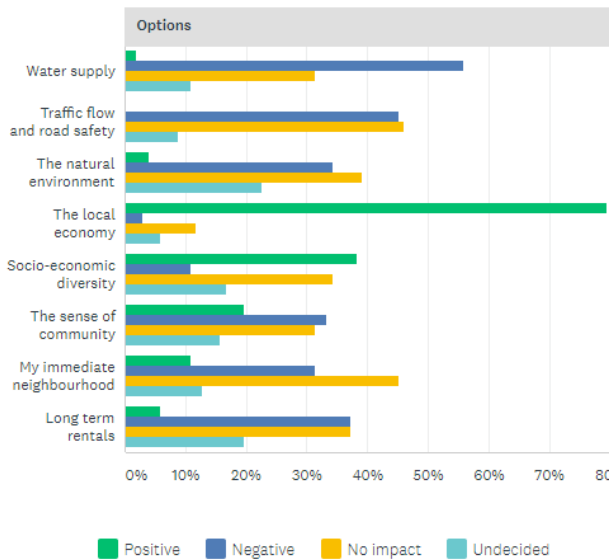


**5. Have you attended one of the Short Term Vacation Rental Meetings on South Pender?**

| Answer Choices | Paper Survey |
|----------------|--------------|
| Yes            | 38%          |
| No             | 62%          |

**6. STVRs have and impact on:**

| Options                      | Positive | Negative | Neutral | Undecided |
|------------------------------|----------|----------|---------|-----------|
| Water Supply                 | 2%       | 57%      | 32%     | 11%       |
| Traffic flow and road safety | 0%       | 46%      | 47%     | 9%        |
| The natural environment      | 4%       | 34%      | 39%     | 23%       |
| The local economy            | 79%      | 3%       | 12%     | 6%        |
| Socio-economic diversity     | 38%      | 11%      | 34%     | 17%       |
| The sense of community       | 20%      | 33%      | 31%     | 16%       |
| My immediate neighbourhood   | 11%      | 32%      | 45%     | 13%       |
| Long term rentals            | 6%       | 37%      | 37%     | 20%       |

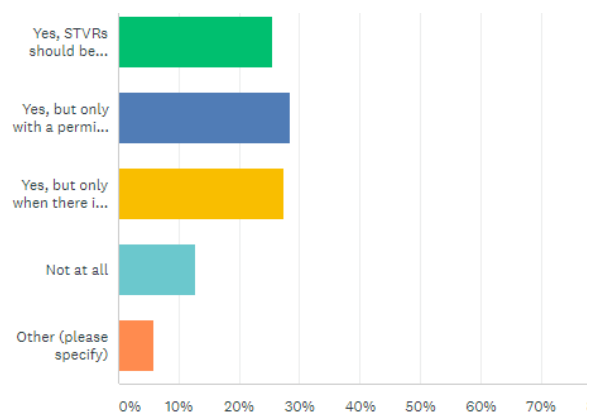


#### Summary of Comments:

- Negative impacts identified in comments included concerns related to: noise, fire protection, safety, environmental protection and awareness, water capacity, visitors driving higher than posted speed limits.
- Positive impacts identified included: supporting tourism economy, providing the ability for lower income people to live on the island when they can rent their dwelling part of the time, former STVR guest have become members of the community.
- A number of people identified that they would not rent out their property long-term because they use their home for a portion of the year.
- One property owner identified that long term rentals have not provided the necessary revenue to maintain the house and surrounding property.

#### 7. Do you support primary dwellings being allowed to operate as STVRs?

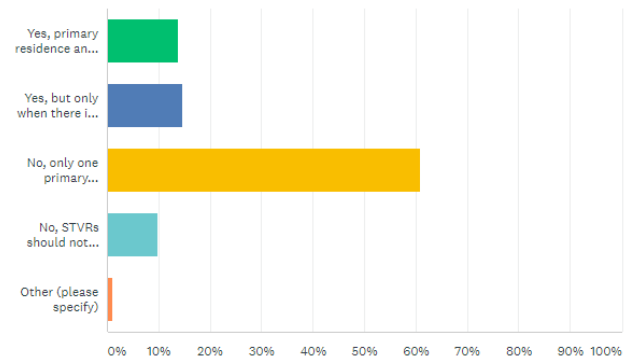
| Answer Choices                                                                                       | Paper Survey |
|------------------------------------------------------------------------------------------------------|--------------|
| Yes, STVRs should be allowed in primary dwellings with as few regulations as possible                | 25%          |
| Yes, but only with a permit that identifies conditions that need to be adhered to                    | 29%          |
| Yes, but only when there is a full-time resident living on the property (e.g. living in the cottage) | 13%          |
| Not at all                                                                                           | 13%          |
| Other*                                                                                               | 6%           |



\*responses identify an interest in some kind of conditions/regulations for STVRs

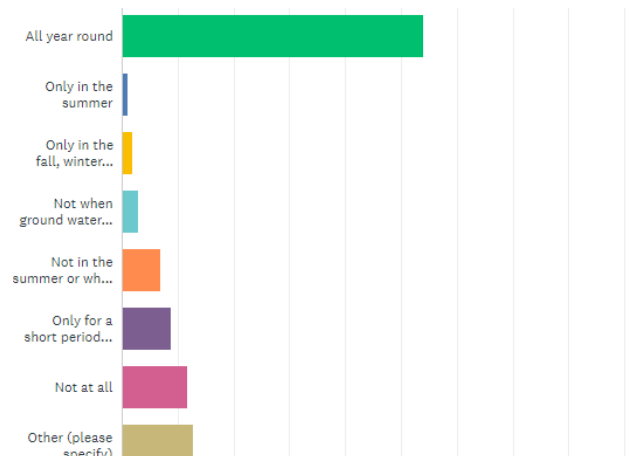
## 8. Do you support more than one STVR operating on a single property at the same time?

| Answer Choice                                                                             | Paper Survey |
|-------------------------------------------------------------------------------------------|--------------|
| Yes, primary residence and cottage with no restrictions                                   | 14%          |
| Yes, but only when there is someone living on the property                                | 15%          |
| No, only one primary dwelling or one cottage when there is someone living on the property | 61%          |
| No, STVRs should not operate                                                              | 10%          |



## 9. STVRs should be permitted to operate in primary residences:

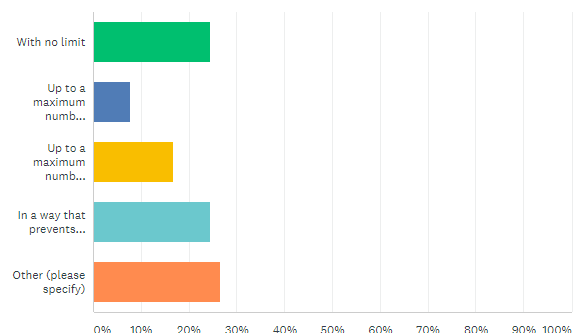
|  | Answer Choice                                                             | Paper Survey |
|--|---------------------------------------------------------------------------|--------------|
|  | All year round                                                            | 55%          |
|  | Only in the summer                                                        | 1%           |
|  | Only in the fall, winter, spring                                          | 2%           |
|  | Not when ground water is most impacted (most impact Sept-Dec)             | 3%           |
|  | Not in the summer or when ground water would be most impacted             | 7%           |
|  | Only for a short period of time when the full time resident is on holiday | 9%           |
|  | Not at all                                                                | 12%          |
|  | Other*                                                                    | 13%          |



\*Other comment included the following: Not at all, except existing prior to 117 all year round, in limited numbers, all year round, subject to conditions. Some concerns related to water availability were raised.

**10. STVRs should be permitted to operate (choose the option you feel most strongly about):**

| Answer Choice |                                                                       | Paper Survey |
|---------------|-----------------------------------------------------------------------|--------------|
|               | With no limit                                                         | 25%          |
|               | Up to a maximum number on the island                                  | 8%           |
|               | Up to a maximum in each neighbourhood                                 | 17%          |
|               | In a way that prevents property owners from being surrounded by STVRs | 25%          |
|               | Other*                                                                | 27%          |



\*Other comments included suggestions on the kinds of limits to put in place. They also included statement ranging from no STVRs should be permitted to waiting until there is a problem before imposing a limit as well as interest in understanding the impact of weekenders.

**11. If you think there should be a maximum limit of STVRs on the island what would that limit be (as a percentage of total properties on the island)?**

30%, 50%, 3%, 10%, 10%, 5-10%, 10%, 10%, 30-35%, 30%, 5%, 57%, 10%, 5%, 10%, 20%, 30%, 10%, 5-10%, 5%, 5%, 10%, 10%, 15%, 10%, 40%, 10%, 10%, 10%, 20-25%, 10%, 10%, 10%

Other responses included those which suggested:

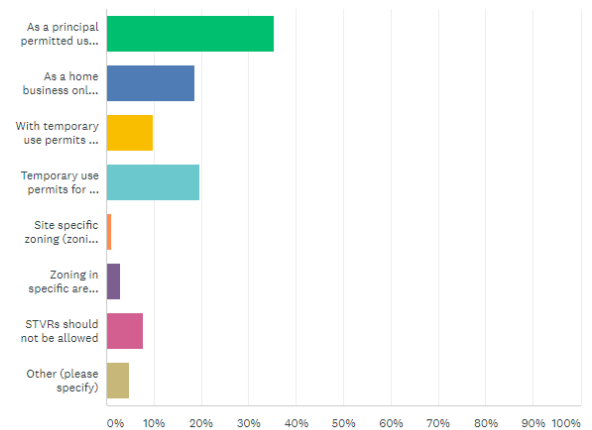
- only STVRs exiting prior to Bylaw 117 be able to continue
- that there aren't enough STVRs on SP to address demand
- SP learn from the experiences of other Islands
- the number allowed should depend on whether or not someone lives on the property
- there should be no limit on the number allowed when someone is living on the property

**12. Are there areas on the island where STVRs should not be permitted?**

| Response *Online Survey **Paper Survey      |
|---------------------------------------------|
| No (23)                                     |
| All areas (7)                               |
| Castle Road (2)                             |
| Not on smaller properties (4)               |
| Not close to other homes (6)                |
| Water/Habitat concerns (7)                  |
| Not in areas with higher population density |

### 13. STVRs should be allowed:

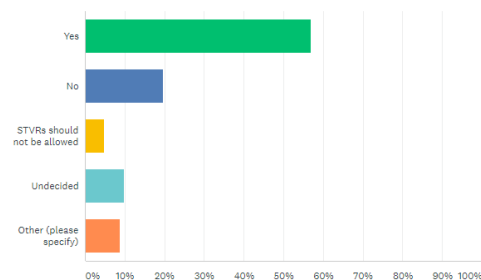
| Answer Choices |                                                                                | Paper Survey |
|----------------|--------------------------------------------------------------------------------|--------------|
|                | As a principal permitted use and as a home business (same as before Bylaw 117) | 35%          |
|                | As a home business only – cottage and B&B (current)                            | 19%          |
|                | With TUP for principal dwelling and as home business (B&B and cottages)        | 10%          |
|                | TUPs for all STVRs                                                             | 20%          |
|                | Site specific zoning (zoning individual properties for STVR use)               | 1%           |
|                | Zoning in specific areas (concentrating STVR operation in specific areas)      | 3%           |
|                | STVRs should not be allowed                                                    | 8%           |
|                | Other (please specify)*                                                        | 5%           |



\*Other comments included those suggesting: things should stay the same as before Bylaw 117, only those operating before bylaw 117, more longterm housing, TUP for B&Bs and cottages.

### 14. Where STVRs are allowed, should the number of bedrooms or guest be limited?

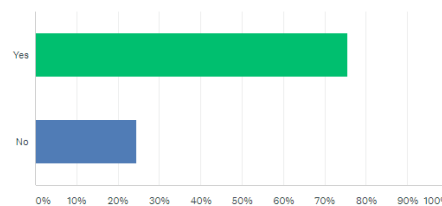
| Answer Choices |                             | Paper Survey |
|----------------|-----------------------------|--------------|
|                | Yes                         | 57%          |
|                | No                          | 20%          |
|                | STVRs should not be allowed | 5%           |
|                | Undecided                   | 10%          |
|                | Other*                      | 9%           |



Other: Responses suggested the number of guest be limited by the number of bedrooms, the size of the property, the size of each room.

**15. Do you feel it is important to track the number of properties operating STVRs on South Pender?**

| Answer Choice |     | Paper Survey |
|---------------|-----|--------------|
|               | Yes | 77%          |
|               | No  | 25%          |



**16. Is there anything not covered by this survey that you would like to share about STVRs on South Pender Island?**

Responses fell into the following categories:

- **Positive Impacts:** visitors bring revenue, only way to maintain property handed down for generations until full time residency is possible, mitigation of costs of owning property, allows owners to travel to other places, provide accommodation for families, important source of income, bring families to the island
- **Negative Impacts:** STVRs attract individuals that lack respect for the quiet rural nature of the island, concerns regarding dogs, fire, noise, water pollution, some STVRs exist in unlawful buildings.
- **Need for long-term housing:** short term renters do not invest time into the community like long-term renters, need long-term renters to diversify community
- **Need for regulation:** neighbours need to be informed, strict rules related to fire, water and noise, periodic review of rules (every 3-5 years), ability to complain and have permits cancelled, create a tourist information guide,
- **Need for more data:** impact of weekenders

**17. Is a survey and effective way of capturing the opinions of South Pender Island property owners on the issues that effect them?**

| Answer Choice | Paper Survey |
|---------------|--------------|
| Yes           | 85%          |
| No            | 15%          |

**From:** ALMA LIGHTBODY [

**Sent:** Friday, January 8, 2021 10:45 PM

**To:** Jane Perch

**Cc:** Steve Wright; Cameron Thorn; Laura Patrick

**Subject:** Re: STVRs

Well written and presented Jane. I fully agree. In response to Steve's letter to me I also spoke about the value of including extra criteria within the bylaws to meet the requirements we are trying to achieve without use of cumbersome TUP'S.

Alma Lightbody

Sent from my iPad

[REDACTED]

On Jan 6, 2021, at 7:34 PM, Jane Perch <

> wrote:

South Pender Island Trust Committee

I am responding to a letter (dated December 8<sup>th</sup>, 2020) I received from Steve Wright asking for my thoughts on appropriate regulations relating to short term vacation rentals. I have attached a copy of Steve's letter as he does not indicate that it has been copied to the other members of the Trust committee and I wanted you to have context to my reply. I would also like my letter to form part of the STVR information posted on the Trust web site. I am somewhat hesitant to reply to Steve's request as when I offered comments at the last Trust committee meeting, he refuted everything I had to say and was rude. However, I will take the high road and put based on my many years of operating a short term vacation rental.

I am not aware of any specific complaints related to short term rentals on South Pender Island, nor has there been a great increase in the number of vacation rentals on South Pender Island over the past 10 years. There seems to be great fear that every residence may become a short term vacation rental but this has not been the case. In fact over the past two years, 3 properties that operated short term rentals are no longer being operated as such by the new owners. The number of short term vacation rentals may fluctuate over time but that is no different than any other type of home business. Just because our bylaws permit the use, it does not mean that every property owner will want to operate a vacation rental just as not every owner wants to operate a bed and breakfast.

### **Temporary Use Permits**

Steve states in his letter that he is not completely sold on Temporary Use Permits (TUPs). Nor am I as temporary use permits were initially intended for something that is truly temporary. The only example that I can think of where a temporary use permit was issued on South Pender Island was for the temporary use of a residential lot for industrial purposes where the lot was used as a log dump while Mount Norman was being logged.

I concur with some of Steve's comments regarding his dislike of TUPs in relation to the administration and application requirements. Additional reasons for my dislike of TUPs are that if a property owner makes an application, there is no certainty that a permit will be issued nor is there a guarantee as to the length of time that a permit might be granted (maximum of 3 years but could be less) as it is the trustees who make this determination. These decisions are very subjective.

In terms of the guidelines that were presented in draft Bylaw 119 and the staff report, many of them do not make sense. There seems to be a notion that just because a home may be occupied by short term renters for a period of time rather than the owners, additional requirements are needed. Some examples:

- Proof of adequate quality and quantity of water which may require a pump test or professional report. Proof of water is a requirement at the time of subdivision and at the time of construction of a residence so why would it be necessary to prove this again just because a residence may be used by a vacation renter for a short period?
- Proof of septic capacity. Again this would have been done at the time a property was developed.
- Off-street parking for two vehicles. This is already a requirement for all residential lots. At the trust meeting Steve suggested that this be increased to 4 spaces but gave no justification for his opinion.

Other proposed requirements that I do not agree with include:

- Restricting the number of vacation rentals within a 200 metre radius. This is not an effective metric because lot development on our island is linear and lot sizes are already minimum of 1 acre which provides separation.
- Limiting STVR Use from May to September to 30 days as was discussed at the November meeting. This would in effect put an end to STVRS as no property owner would go through the expense of a temporary use application for such a limited period.
- Limiting the STVRs to the shoulder seasons as suggested in Steve's letter. Again this would put an end to STVRs. Our island is a tourist destination and we rely on tourists to sustain our economy. There is a movement within the gulf islands to promote year round tourism so that we can have a year round economy and jobs. I support that. I suggest that trustees confer with business owners such as the grocery stores, restaurants, pubs, etc. to get a sense of how important tourism is to their businesses well as to those who provide services to the tourism industry. The tourism and service industry are the largest employer in the southern gulf islands and we need to recognize this.
- Absentee land owners. This is very subjective and I doubt that you can impose conditions based on the frequency an owner visits his or her property.
- Limiting the number of renters to 6 (as suggested in the staff report). Trustees discussed a maximum of 4 adults and no limitation on the number of children. I do not think that it is legal to regulate based on age. I do think that a restriction on the number of occupants is reasonable but I think this can be accommodated in our LUB regulations as I suggest below.

### **Regulations rather than TUPs**

I am much more in favour of adding to our current Land Use Bylaw regulations rather than TUPs. Our LUB clearly states the requirements that must be met to operate a short term vacation rental so a potential purchaser or current home owner knows what is required. There is no need for an application

process, fees, staff time, trust time and the costs associated with a TUP nor is there any uncertainty as to whether a short term vacation rental is permitted.

Currently there is a restriction in our LUB that limits vacation rental use to one cottage or dwelling and where there is more than one residence, only one may be permitted to be used as a vacation rental. I support this.

Other additional requirements might include:

- restricting the number of occupants based on the number of bedrooms and perhaps maximum of two occupants per bedroom
- restricting additional sleeping accommodation on a property such as tents and recreational vehicles.

In situations where a potential STVR operation may not meet the LUB restrictions, there could be a provision to apply for a TUP in those instances. This is the approach that Hornby Island has taken. By the way, Hornby Island also allows short term rentals as a permitted use in their land use bylaw.

I would also like to suggest a Best Practices Guide. Hornby Island has a guide which I think is very good. I like that it is focused on the well being of the island and all visitors, not just vacation renters.

[http://www.islandstrust.bc.ca/media/347126/ho-ltc\\_2019-01-30\\_best-practices-guide.pdf](http://www.islandstrust.bc.ca/media/347126/ho-ltc_2019-01-30_best-practices-guide.pdf)

I and other vacation rental operators provide a Guest Information booklet which addresses many of the items noted in the above guide. Our information also includes requirements on garbage and recycling, emergency services contacts as well as our contact information. We are home owners and we care about our properties, our neighbours and our island.

I would also note that STVR operators are required to collect a 10% tax on rentals. 8% goes to the provincial general revenue coffers. 2% is returned to the southern gulf islands to assist with tourism marketing, programs and projects and to help grow jobs. Affordable housing for the workforce is also a permitted use of these funds. This is one of a few instances where tax dollars actually come back to benefit the communities it is collected from.

Over the years I have heard so many negative statements against short term vacation rentals but I have seen nothing that substantiates the mistruths nor have I experienced any of the claims that others have made in relation to vacation renters on our island. I know of at least eight of my vacation guests who subsequently purchased property on South Pender Island of which six still remain as residents of our island and our community. They are caring people who appreciate what our island offered them as did those who only visited.

I do think you should consider delaying any further actions on this topic until such time as the community is able to meet. Zoom meetings have shown that there has been somewhere between 2-5 participants which is hardly representative of our community. We are not all tech savvy and many of us are not on Facebook. The old fashioned mail notices and public meetings at the fire hall have served us well in the past.

Jane Perch

**From:** Peter Brooke [REDACTED]  
**Sent:** Thursday, September 3, 2020 3:55 PM  
**To:** Steve Wright; Cameron Thorn  
**Subject:** Re: a favour.... STVR regulations and STVR operation

Hi Steve & Cameron,

I wouldn't be surprised if you thought I had forgotten about this, and I apologize for my lack of communication over the past couple months. I'm finding that not working in my usual occupation is busier than actually working for a living, and a lot busier than I had expected. Like a lot of people this covid situation has thrown some serious wrenches into our family's plans for the future and it is requiring a lot of time and effort to sort them out.

I see from the agenda for this Friday's LTC meeting that consultation with current STVR operators is in the project charter timeline for Sept/Oct so hopefully I will still be able to offer some contribution of use to the process.

I have reviewed the North Pender TUP requirements and also the recently passed Bowen Island regulations and have been trying to assess how complying with them would impact the conduct of an STVR business. Similarly I've looked again at the questions in the survey that could have impact on how an STVR is operated in practice. My thoughts are below:

North Pender OCP TUP Section

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.

6.4 In addition, the following guidelines apply when the Local Trust Committee is considering the issuance of a short term vacation rental permit:

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 Comment/Concern](#)

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 Comment/Concern](#)

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.

If there are to be limits in this respect they should be clearly stated and the current numbers made available to permit applicants. Given the cost of an application it seems unfair to expect applicants to go through the process if it will be rejected on this basis.

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.

A definition of “adequate supply” is necessary, and particularly so if there is a variance from whatever was required for the issuance of the property’s building permit. Similarly for testing method. A potential applicant should be able to determine prior to application whether the property’s water and septic capacities will meet the required standards.

6.4.5 The landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles.

No Comment/Concern

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 the location of the sensitive areas, and information on how to avoid impacting the sensitive features.

This information should be provided by the LTC to the landowner so that the concern and requested actions are correctly transmitted to guests.

6.4.7 The Permit should restrict advertising to one unilluminated sign, with a maximum area of 0.6 m<sup>2</sup>.

No Comment/Concern

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.

Although this requirement appears in many of the various island’s TUP bylaw sections I question its practicality. Does anybody really expect that a phone will be answered at 4 AM? More to the point, the idea that for this particular use the owner or representative will be continuously and immediately available to respond to inquiries/complaints from neighbours has no analog within the bylaw requirements that regulate home business (either B&B or STVR) or commercial resort provision of guest accommodation. The home business section simply requires the owner/operator to be “resident” (SP LUB 3.6 (5)). It does not require them to be present and it requires nothing in the way of availability or responsiveness to others whether they are present or absent. Similarly there are no requirements imposed on the commercial resort operator (SP LUB 103 5.2 (6)).

The assumption appears to be that a lack of on property presence of an owner/operator leads to less neighbourly consideration by guests in the use of the property. That does not match up with what I have experienced. I know my neighbours well, and they know that I am always prepared to be responsive to their concerns and they know how to contact me at any time. In 4 years of operation and a great many guests there has not been a single instance where any of them felt it necessary to contact me to complain. My neighbour Bill did once comment later about a guest who brought in a pergola on a truck for a wedding proposal, but that was out of his concern about mis-treatment of our lawn. I do know that on a few occasions there has been noise from our property as there is from almost every home on some occasion but that is just consistent with a normal residential environment.

On the plus side, if there is ever a nuisance, my neighbours know that the individuals causing it will soon be gone, usually in a matter of days or less. There is also the reality of what attracts people to visit South Pender in the first place. It is not the potential for boisterous activities but the opportunity to enjoy a tranquil environment. This is emphasized in the guide we give to our guests and they appear to respect it.

Unless it is intended to impose equivalent requirements on all forms of accommodation provision, I think that this requirement imposes an unreasonable burden on the TUP approved STVR operator versus others. A more reasonable provision might be to require the operator to have a means of communication and response to neighbours inquiries/complaints within 24 hours.

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.

As per above, I would suggest phone number be replaced by with "a means of communication".

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;

No Comment/Concern other than that the information relating to noise bylaws, water conservation and fire safety should be a pro-forma provided by the LTC to ensure that all operators provide consistent information on the subjects.

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<sup>2</sup>, and if the building has received an occupancy permit for residential use under the BC Building Code.

No Comment/Concern

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;  
No Comment/Concern other than that there should be some stated guideline about how/when this would be applied.

b) require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening;  
I would question a requirement for the installation of screening that would not be required for any other form of occupancy. There should be clear guidance on how/when this would be applied.

c) require the landowner/operator to post contact information and permit information at the entrance to the property;  
If the operator has complied with 6.4.9 why would this be necessary, and why would this use be considered differently than for home business operators? Additionally, a requirement to post such a notice is a virtual invitation for the criminally-minded to check and see whether the home has present occupants since it suggests that there is no permanent resident. Many homes are occupied less than full time, but no one really wants to have to advertise that fact.

d) prohibit camping or occupancy of RVs on the property;  
This came up with a recent request we had to allow a parked RV in addition to the use of our home. We declined, but at the same time did not think it necessarily inappropriate. Our kids occasionally occupy a tent on our "family weekend". I think it would be more reasonable to control total number of guests on the property rather than how exactly they are accommodated.

e) prohibit the rental or provision of motorized personal watercraft;  
No Comment/Concern

f) prohibit watercraft that has been brought from off island to be used on Magic Lake or Buck Lake;  
Not relevant

g) prohibit outdoor fires; and  
No Comment/Concern

h) establish the dates during which the use may occur.  
This could impose significant limitations on the utility of a permit. I'd suggest that there should be a specific rationale for any time of use limitations and that such limitations/rationales should be stated within the regulation.

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 Comment/Concern

6.4.14 A temporary use permit may not be issued for a short term vacation rental within a secondary suite.

No compatible definition of “secondary suite” found within the South Pender bylaws.

#### Bowen Island Business Licensing Bylaw

Bowen Island as an incorporated municipality has the power to issue licences which the South Pender LTC does not. This is truly unfortunate for South Pender as the primary issues I have with the TUP process is that it is expensive, subjective and is temporary in nature. It really was not intended for the purpose of regulating a continuously operating business. Given the upfront costs, providing a period of no greater than 3 years of certainty is a huge disincentive to potential applicants, and would likely discourage most who are considering a property purchase with this use in mind.

By contrast, the licensing process on Bowen seems relatively certain and cost effective. A fee is paid only if a licence is issued, and there is no reason to expect a change in status relating to licence eligibility unless there is a change in the bylaws.

Comments on their licensing requirements:

2.7 “Bowen Island Municipality Business Licensing Bylaw No. 465, 2018” is amended by inserting section 23 as follows, and renumbering subsequent sections to follow:

#### RESIDENTIAL GUEST ACCOMMODATION

- 23.1 “DESIGNATED INDIVIDUAL” in this section, means a person designated as the primary contact for a residential guest accommodation. The designated individual may be the operator or someone that is authorized to make decisions in relation to the premises and the operation of the residential guest accommodation.

No Comment/Concern

- 23.2 Prior to the issuance of a licence, the operator of a residential guest accommodation must provide the following to the Licence Inspector:

- proof of insurance coverage, in a form acceptable to the Licence Inspector, for the use of the dwelling unit as a residential guest accommodation;

No Comment/Concern

- name and 24-hour contact information of the designated individual  
Similar to my comments above, but note that they do not specify “phone number” and they do not specify where the designated individual will be located.

- number of bedrooms to be offered within the dwelling unit for residential guest accommodation;

## No Comment/Concern

- maximum number of guests that will be accommodated in the unit;

No Comment/Concern

- number of on-site parking spaces;

No Comment/Concern

• other information requested by the Licence Inspector that the Licence Inspector considers to be relevant to ensuring compliance with applicable enactments and the safe and reasonable operation of residential guest accommodation.

No Comment/Concern

23.3 The operator of a residential guest accommodation must:

- only allow residential guest accommodation on premises that have been approved and identified on the licence application;

No Comment/Concern

- notify neighbouring property owners on all adjacent sides of the licenced premises that a residential guest accommodation is being operated thereupon and provide contact information for the designated individual to such neighbours;

Again, note that only “contact information” is required,

- provide guests with contact information for the designated individual;

No Comment/Concern

- ensure the designated individual is available for contact 24 hours a day during periods when the premises are rented as a residential guest accommodation, and responds to any nuisance complaint within 2 hours of notification;

Note the difference in wording between “available for contact” versus “be available on North or South Pender by telephone”. Here the means of contact and location of the designated person are determined by the licence holder. The bylaw does specify a time limit for responses, but the means of response and/or requirement for a physical presence are left to the operator to determine. Presumably complaints about a lack of response could be made to the municipalities licensing bureau and have bearing on subsequent licence issuance. Since licences are issued yearly this might be more effective than a TUP which is issued for up to 3 years.

- notify the Licence Inspector within 24 hours of a change in contact information for a designated individual; and

No Comment/Concern

- comply with all applicable requirements in the Municipality's Land Use Bylaw and Building Bylaw, and in the BC Building Code, BC Fire Code and related enactments.

[No Comment/Concern](#)

2.8 "Bowen Island Municipality Business Licensing Bylaw No. 465, 2018" is amended by amending Schedule "A" Business Categories and Fees as follows:

Category

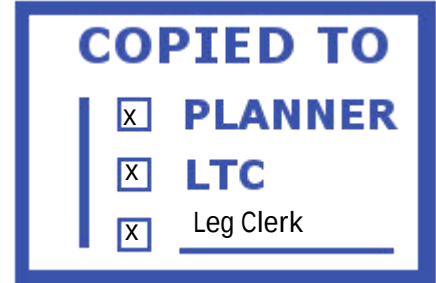
Bed and Breakfasts

Commercial Guest Accommodations Guest House

Licence Fee \$150

\$150

\$150



**From:** Mariette West <mariette.west@yahoo.ca>

**Sent:** Wednesday, March 3, 2021 8:43 PM

**To:** vicphsub <vicphsub@islandstrust.bc.ca>

**Subject:** Letter to South Pender Island Trustees opposing proposed bylaw 119 and 120 etc.

Dear Trustees,

We want to go on record as strongly opposing both Bylaw 119 and Bylaw 120 and we also strongly oppose introducing Temporary Use Permits as a means of controlling STVRs ... this is just a cash grab and it is significantly unfair, we believe bordering on corrupt that issuing of permits would be decided at the sole discretion of the tiny group of 3 local trustees. This seems very oppressive to say the least, particularly in a community that has a population of approximately 120 people.

We agree with the current wording in the OCP where it states:

*“Short-term rentals of dwellings provide economic return, offer the visitor an opportunity to experience rural island living, and are an alternative form of accommodation to bed and breakfast or commercial resorts.”*

In addition, Short Term Rentals provide some form of employment to many islanders, not just revenue for owners renting their cabins. It seems the current trustee(s) wish to make sure everyone who lives on the island is instead dependent on the government. CERB will dry up soon and people will again need the employment provided for such things as cleaning, laundry services, garden maintenance, window washing, home and furniture repairs, etc. The small businesses in our community also rely on the year round extra revenue from vacationers.

We see no reason to change the above (in red) well planned, well thought out, strongly supported position as it was worded in the previous Community Plan. It has worked well for South Pender and there is no need to alter it with what is being proposed instead. We believe that a very few people, specifically a few trustees with personal agendas are behind the suggested changes, not the community of South Pender Island.

We certainly have not heard of any problems of any kind on South Pender with vacationers.

Restricting permits to only 20 is oppressive. The OCP does not have to go to such extremes to interfere with the very few remaining property rights. Interfering to the extent of requiring a permit at \$1100 is outrageous. Government levies such as this are supposed to be objective and verifiable, based on actual associated expenses and that does not include the expense of generating forms to harass people with.

Expecting owners to get their permit requests past the committee of 3 feels a bit like we are in the PRC under the CCP! The chances of a permit being approved for those who do not agree with the extreme politics of a few of the current trustees, are close to zero.

In more than 2 decades of renting our cottage (at various times of the year, allowing for ourselves to be able to use it as well, often as the long term occupants ) we do so to help with paying the already outrageous taxes in the absence of ANY services of any kind to our property.

In no instance in all of that time has a vacation renter at our cottage ever caused any problem of any kind, quite the opposite, and in all instances, they have contributed to the economy of the island.

Also, in no instance, in all of that time has a vacationer EVER showed up with more than 2 vehicles and 2 vehicles have arrived perhaps less than 7 or 8 times in 2 decades. By far the majority of vacationers are 2 in number, and turn up in one vehicle or by boat or on their bikes.

It is also completely unnecessary to restrict the number of guests to 4 and to require 4 parking spots. This makes no sense, seems quite illogical and is no business of the LTC whatsoever. The cars of vacationers park on the properties they are renting! The homes belong to owners/taxpayers, and how many we allow to occupy it is beyond the jurisdiction of the LTC. What is being suggested entirely precludes, for example, a couple with 3 children. That might be okay for an aging trustee with no grandchildren but to the rest of the world it displays a highly discriminatory, anti-child attitude.

All taxpayers in Canada have contributed to the parks, especially to the Southern Gulf Islands National Park Reserve. Saying only those that have been filtered through the 3 Trustees approval process may visit our island, is again, unnecessary, very oppressive and demonstrates very narrow thinking that opposes any form of control of one's own property. A judge in the Superior Court of Ontario stated clearly that "property ownership comes with the inherent right to rent" and he went on to discuss that this meant any property, from a skate board to land and houses and boats, and bikes, etc. With that right as the starting point, a right so core to Canadians that the property rights we all reasonably expect when we purchase a property, one needs to also remember that when any level of government seeks to take away any part of a right, or the right itself, the onus is on that party to demonstrate that the need to do so is very significant. Creating a battleground in a small community as people are yet again forced to defend the rights they hold so dearly, is irresponsible and we feel unconscionable.

Limiting the number of days within the peak season is frankly irrational. The peak season is very short! What does that achieve and whose idea was that? What possible logic accompanies this idea? Who is dreaming up these truly oppressive, unenforceable bylaws? No one in their right mind believes that 3 politicians should get to give their friends a stamp of approval and reject the rest of the applications! Please don't pretend that is not exactly what will happen.

This new plan is obviously another effort by a few to eliminate any vacation rentals on South Pender and it is yet another example of a few people making bad decisions that impact so many. It is thoughtless, arbitrary and strategically ambiguous bylaw-making.

Sincerely,

Mariette and Neville West, Owners, Lot 7 on Ainslie Point Road, South Pender Island.

**From:** gordie duncan <gordied@live.com>  
**Sent:** Wednesday, March 3, 2021 1:41 PM  
**To:** vicphsub <vicphsub@islandstrust.bc.ca>  
**Subject:** Halt Bylaw 119

Gordie Duncan, 8826 Canal Rd.

March 3, 2020

Trustees Thorn, Wright and Chair Patrick

I am not in favour of Proposed Bylaw 119 proceeding any further as this significant amendment to the OCP clearly does not reflect the Community's wishes.

This can be substantiated by the Community Survey conducted by the LTC in February 2020 which included not only a Mail Out Survey but also an Online Survey, which I believe, is a true measure of the Community's wishes.

- Survey Question (\*) **13. STVRs should be allowed:** Only 30% (light blue & yellow) of Community indicated the use of Temporary Use Permits as a means of managing STVRs. By comparison 54% (green & dark blue) of the Community indicated that pre-Bylaw 117 conditions for STVRs were satisfactory. (see graphic)
- In addition to the LTC Survey, the Advisory Planning Commission did not recommend TUPs as a means of managing STVRs on South Pender.
- A perusal of the "South Pender Island – STVR Review Project" does not show any letters of support for using TUPs as the best means for handling STVRs.
- I believe that in the past that even Trustee Wright has pondered as to whether TUPs for STVRs is the best way forward?

Not only does it appear that there is no broad Community support for Bylaw 119 and using TUPs as means of managing STVRs, I am concerned about the inherent power the Community would be handing to its Trustees with respect to the issuance of TUPs to potential STVR operators.

- Referencing the proposed amendment **8.2.6**, the use to terms and verbiage such as is used in **d)** and **l)** *In addition to any other conditions the Local Trust Committee may consider appropriate*, appears to me to give the LTC broad and undefined latitude in determining the conditions under which a potential STVR operator may receive a TUP.
- It also seems that the STVR applicant would have no recourse if their application is rejected by the LTC, and will not likely receive a refund of their estimated \$1100.00 application fee.

As an option to TUPs and in order for the LTC to monitor and control STVRs, couldn't the OCP simply mandate that all STVR operators must register with the LTC and maintain that (yearly) registration as long as they continue to operate. This would allow the LTC to limit the number of registrants to 20 if so desired. It would also, in my opinion, simplify the whole process and accomplish the desired results which are in the best interests of all involved including most importantly the Community as a whole.

I ask again that you do not give 2<sup>nd</sup> and 3<sup>rd</sup> reading of Bylaw 119, as it does not represent the majority of the Community's wishes.

Thank you  
Gordie Duncan

**13. STVRs should be allowed:**

| Answer Choices |                                                                                | Online Survey | Paper Survey |
|----------------|--------------------------------------------------------------------------------|---------------|--------------|
|                | As a principal permitted use and as a home business (same as before Bylaw 117) | 36%           | 35%          |
|                | As a home business only – cottage and B&B (current)                            | 18%           | 19%          |
|                | With TUP for principal dwelling and as home business (B&B and cottages)        | 9%            | 10%          |
|                | TUPs for all STVRs                                                             | 11%           | 20%          |
|                | Site specific zoning (zoning individual properties for STVR use)               | 4%            | 1%           |
|                | Zoning in specific areas (concentrating STVR operation in specific areas)      | 0%            | 3%           |
|                | STVRs should not be allowed                                                    | 16%           | 8%           |
|                | Other (please specify)*                                                        | 5%            | 5%           |

(\*) Source - sp-2021-03-05\_bls-119-120\_public-hearing\_pkg

**From:** Jim MacDonald <jimmymac4@shaw.ca>  
**Sent:** Wednesday, March 3, 2021 10:37 AM  
**To:** vicphsub <vicphsub@islandstrust.bc.ca>  
**Cc:** South Pender Community Link <southpenderlink@gmail.com>; Everest Lapp <everest.lapp@gmail.com>; Rich Christy <rich@southpender.com>  
**Subject:** March 5th South Pender Islands Trust meeting

Dear Sirs,

The OCP description for STVR's perfectly describes South Pender's present sensibilities in this matter.  
Why delete it?

Instead, why substitute 20 so called temporary use permits, and further, why 20 instead of 5, or perhaps 30?  
Are they to be distributed through a lottery?  
Can the permit holder transfer the expensive three year prize to another prospective STVR homeowner, as a taxi licence is done?

The \$1100- three year application permit smacks of a tax grab, when compared to Vancouver's \$.99- per annum for STVR's \*\*

The limits on the number of guests, and also the number of rental days seems ungenerous and impractical; restrictive.  
In any event, how are these figures determined?

The carte blanche nature of the trustees right to consider "other appropriate Changes" after the permit is granted, midstream, is just not cricket.

My neighbor has rented his property as an STVR fifteen recent summers, and we have heard laughter and clinking of glasses only once in that time!  
He is a responsible landlord.  
In any event, we went back to sleep on the occasion. Life is good. We can live with that. Think of all the happy campers that have enjoyed his place, and South Pender over the years, without the owner's being subject to redundant controls.

We are fortunate to find ourselves living on South Pender Island, (Penderlings), where historically a semblance of give and take pervaded. Bringing new legislation forward now will limit opportunities, while causing adverse reflection that further restrictions may soon be advocated by the Trust.

\*\*\*

Parksville - \$50- per annum

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Thank you, South Pender trustees, for considering these  
disfavorable notes at the Zoom meeting.

Jim MacDonald  
South Pender Island

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**From:** Harvey Weinstein <harveyw@berkeley.edu>  
**Sent:** Wednesday, March 3, 2021 9:22 AM  
**To:** vicphsub <vicphsub@islandstrust.bc.ca>  
**Subject:** Proposed changes to OCP and Bylaws re: STVR's

We are opposed to the proposed changes. Several points in the proposal are unclear:

1. Where does the proposal for a maximum of 20 STVRs come from? Why that number?
2. The cost of \$1100 is excessive. How was that amount determined?
3. The proposal allows for 6 years total rental time. This places a burden on long-term owners who live on Pender part-time and depend on these rentals to maintain the home. Once again, how was this determined and what input did owners have?
4. A maximum of four adults assures that extended families will be unable to rent here. Of course, that has implications for the economy of the island.
5. Making a requirement for four car off-street parking once again is limiting options for rentals.

These requirements are clearly designed to discourage STVR's. As I have stated in earlier letters, there are no data to suggest that the present system is broken. The surveys were inadequate both in design and in the use of leading questions. Anecdotes do not constitute evidence. While we do not rent our house for STVR's nor ever plan to do so, we oppose changes that restrict private ownership when there is no hard evidence that such a need exists in the community. If the concern is based on the need for more affordable housing, other options exist.

In rural areas, one must always balance the preservation of an economy with the goals of preserving the rural nature of the area. This proposal assures that the possibility of families visiting will be diminished. Is that really what we want to do?

Harvey M. Weinstein, MD, MPH  
Senior Research Fellow, Human Rights Center  
Clinical Professor (Ret.), School of Public Health  
Co-Editor-in-Chief Emeritus, International Journal of Transitional Justice  
Berkeley Law  
2224 Piedmont Avenue  
Berkeley, CA 94720-7200

Telephone: (510) 393-4554

You can access work, "Transitional Justice and the 'Plight of Victims'" (with Laurel E. Fletcher) in Research Handbook on Transitional Justice, Edward Elgar, 2017, 244-266 and Berkeley Journal of International Law 36:2, 190, 2018, "How Power Dynamics Influence the 'North-South' Gap in Transitional Justice." (with Laurel E. Fletcher). See trailer for "Eminent Monsters" on Amazon Prime, a new documentary that shows how CIA-sponsored mind control experiments in the 1950's in Montreal, Canada became torture techniques used worldwide including Guantanamo Bay and Abu Ghraib.

**From:** Steve Wright  
**Sent:** Wednesday, March 3, 2021 8:18 AM  
**To:** Harvey Weinstein; South Pender Island Local Trust Committee  
**Subject:** RE: Survey

Hello Harvey,

Thanks for letting me know your concerns. The survey, as I mentioned to you earlier, was one method of obtaining people's thoughts, not the only one. I am not aware of any "problems" with the public meetings and I can assure you they met all legal requirements. If you know of any specific problems, please let me know and I'll look in to them.

We will undoubtedly hear from the public at the upcoming public hearing and we will judge their support at that time. I hope you are equally concerned if a small number of individuals could hinder public process. Democracy guarantees everyone an opportunity to speak, it does not guarantee everyone gets what they want. Given the legislation that trustees must comply with, our community is not the only consideration we have to take into account. We are aware of the varied opinions on this subject and will do what is in the best interests of the Trust mandate, and our Official Community Plan.

Steve Wright

From: **Harvey Weinstein** <[harveyw@berkeley.edu](mailto:harveyw@berkeley.edu)>  
Date: Tue, Mar 2, 2021 at 8:13 PM  
Subject: Fwd: Survey  
To: Steve Wright <[stwright@islandstrust.bc.ca](mailto:stwright@islandstrust.bc.ca)>, Cameron Thorn <[cthorn@islandstrust.bc.ca](mailto:cthorn@islandstrust.bc.ca)>

Dear Steve

I see that you have moved ahead to control STVR's in South Pender. As you remember, I critiqued the survey that you sent out for its limitations and likely invalid results. I also am aware that there were problems with the "public" meetings. Was another (more accurate) survey done? Were the meeting limitations addressed? Do you really have public support? I am very concerned if a small number of individuals can push a change through based on the power of their positions and not on the will of the community. That is not how democracy works. I will make sure that this letter is circulated.

Harvey Weinstein

----- Forwarded message -----

From: **Steve Wright** <[stwright@islandstrust.bc.ca](mailto:stwright@islandstrust.bc.ca)>

Date: Thu, Mar 12, 2020 at 9:41 AM

Subject: RE: Survey

To: Harvey Weinstein <[harveyw@berkeley.edu](mailto:harveyw@berkeley.edu)>

I get your point Harvey, others have mirrored your thoughts that some may respond two or more times. I'm not sure how we can avoid that potential however I don't view this survey as a referendum or a poll but as a way of collecting ideas and information. I expect we will receive a varied number of opinions and it will be our job to balance those in the interests of the community.

s

**From:** Harvey Weinstein [mailto:[harveyw@berkeley.edu](mailto:harveyw@berkeley.edu)]

**Sent:** Thursday, March 12, 2020 9:23 AM

**To:** Steve Wright

**Subject:** Re: Survey

Hi Steve

Thanks. But my point is that the two surveys may not be independent unless you can be certain that there is no overlap i.e. that some folks did both. The paper instructions say that even if you have done the survey online, you should do the paper one as well. That means the paper results will have folks who did the online survey and some who did not.

Best, Harvey

Harvey M. Weinstein, MD, MPH  
Senior Research Fellow, Human Rights Center  
Clinical Professor (Ret.), School of Public Health

Co-Editor-in-Chief Emeritus, International Journal of Transitional Justice

Berkeley Law

2224 Piedmont Avenue

Berkeley, CA 94720-7200

Telephone: (510) 393-4554

You can access work, "Transitional Justice and the 'Plight of Victims'" (with Laurel E. Fletcher) in Research Handbook on Transitional Justice, Edward Elgar, 2017, 244-266 and Berkeley Journal of International Law 37:1, 1-144, 2018, "How Power Dynamics Influence the 'North-South' Gap in Transitional Justice." (with Laurel E. Fletcher). See trailer for "Eminent Monsters" on Youtube, a new documentary that shows how CIA-sponsored mind control experiments in the 1950's in Montreal, Canada became torture techniques used worldwide including Guantanamo Bay and Abu Ghraib.

On Thu, Mar 12, 2020 at 8:39 AM Steve Wright <[stwright@islandstrust.bc.ca](mailto:stwright@islandstrust.bc.ca)> wrote:

Hi Harvey,

Fill in one of the surveys that is convenient for you.

Thanks,

s

**From:** Harvey Weinstein [mailto:[harveyw@berkeley.edu](mailto:harveyw@berkeley.edu)]  
**Sent:** Wednesday, March 11, 2020 8:12 PM  
**To:** South Pender Island Local Trust Committee; Jane Perch  
**Subject:** Survey

I have received your paper survey in the mail and am confused. How can you report the online data and the paper data independently when there will be overlap in the participants? This means that folks will be counted twice. They are not two separate populations.

Please explain.

Harvey

Harvey M. Weinstein, MD, MPH  
Senior Research Fellow, Human Rights Center  
Clinical Professor (Ret.), School of Public Health

Co-Editor-in-Chief Emeritus, International Journal of Transitional Justice

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**From:** Donna Spalding [<mailto:dspalding@shaw.ca>]  
**Sent:** Sunday, February 28, 2021 4:16 PM  
**To:** Cameron Thorn; Steve Wright; Laura Patrick  
**Subject:** South Pender Island Proposed By-law 119

TO: South Pender Island Local Trust Committee

RE: Proposed By-law 119 To Amend the South Pender Island Official Community Plan

During the last two years there has been much conversation, and many conflicting opinions on issues around short-term vacation rentals. We have discussed whether we need or want them at all, the impact on neighbours, the impact of STVR's on "*affordable housing*" and the idea that they reduce the availability of long term rental accommodation, the possible impact on ground waters supply, increased traffic and the congestion issues created for SPI residents trying to use the ferry services – and more.

Short-term rentals, whether they are for accommodating vacationers or extended families (whether it is your own or other South Pender residents), or for farm workers and construction projects, have been a part of South Pender's patchwork since the Island was first settle.

We have often seen visitors to the Island become permanent residents who have identified a lifestyle unavailable to them in cities. They have returned time and again. They have invested in property with the goal, in due course, of becoming permanent residents. Most understand this is a different way of life, recognizing what the South Pender has to offer and what it does not – which is ultimately the attraction.

So, while the Island Trust debate continues attempting desperately to find, define and increase ways to "*preserve and protect*"; and as they debate and identify what "*unique amenities*" means; all described with varying opinions express extensively in the 980 pages of text before the Islands Trustees for their meetings from March 9<sup>th</sup> – 11<sup>th</sup>; I have come to the conclusion through review of this extensive material that the reasons and drive behind the proposed changes to the South Pender Island OCP and LUB become significantly more evident and transparent.

These by-law changes do not reflect an initiative solely of the residents of South Pender Island. They represent ideological theories of planning staff at the direction of the Islands Trust who believe that by eliminating STVR's and limiting the size of residences they will solve the "*affordable housing*", lack of long term rentals and "*climate emergency*" issues they have identified in the Gulf Islands. In this the Islands Trust lacks the clarity to recognize the ability of the residents of South Pender, and other Islands for that matter, to use our own collective common sense and our own sense of community to protect the lifestyle we have invested in and wish to preserve and protect by our own hand.

They feel the need to protect us from ourselves by limiting our lifestyles, limiting our ability to invest, sometimes over time, in a lifestyle we wish to have for ourselves and our families. They disrespect homeowners, both current and future, by suggesting solutions that would limit the ability to use our home for ourselves as we wish and are able to do so. They disrespect the investments in lifestyle and our property and homes that we have made. Additionally the Islands Trust lacks clarity of what it means to offer long term rentals and the favoritism that the Landlord & Tenant's Act provides to the tenant.

Changes to the OCP for South Pender through the proposed temporary use permits indicates that the Local Trustees Committee should not approve more than 20 STVR's for South Pender Island. By the Islands Trust planner's own admissions they can only guess at how many there currently are – but they think it is around that number. No one really knows, so why even bother with provisions for temporary use permits? Has South Pender Island already exceeded the number of STVRs reflected as the appropriate limit reflected by the proposed changes to the OCP? Is the limit of 20 that may be approved an addition to those we already have? Somehow I doubt it.

The immediate decision and seemingly urgent need for these OCP amendments reflects guesses and the current opportunistic prospect of banning STVRs in the Gulf Islands in the name of "*affordable housing*" and long term rentals by making STVRs so onerous that no one would bother to apply.

Is there any purpose in providing for costly rules and conditions for a use that the Islands Trust is clearly attempting to eradicate from our communities in the name of providing "*affordable housing*" or long term rentals? Is it realistic to believe that the owners of homes will vacate their ability to enjoy the investment they have made to others unwilling or unable to make a similar investment? How would they be able to enjoy their homes regardless of whether it is for 4 days, 4 months, 6 months or? if someone else was living there full time?

Is it even likely that an owner would see the value in applying for a TUP (cost \$1,100 minimum), adding to that costs for professional reports for water and sewer capacities – something they had to do when they built their residence, and any other information the Local Trust Committee *may deem appropriate* given that they have no clarity or transparency on whether or not their application may be approved? Do they get a refund if their permit application is denied?

Would they apply for a permit that is limited to a maximum of 3 years, which could be revoked at any time? Is limited to one renewal for additional maximum of three years? These are limits, they are not necessarily what the Local Trustee Committee would have to grant to an approved TUP.

Would they apply for a permit when it limits the number of adult guests to 4? What happens when six adults - grandparents and four adult children and grandchildren want to holiday together?

Would they apply for a permit that:

I(iii) *limits 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;*

and where the Local Trust Committee has the decision power to:

viii. *establish the dates during which the use may occur.*

What does this actually mean? Are the only opportunities for visitors to South Pender Island between May 1 and September 30 to be at resorts which according to information online for a three bedroom cottage could cost them in the order of over \$4,000 for seven days? Do these operations, which do not appear to be feasible between the months of November and April, have no impact on the same concerns being raised about STVR's? Should the unfettered ability to rent out 22 hotel rooms, 15 cottages, and 9 villas during the peak vacation season be cause for concern or similar limitations as those for STVR's?

Does it mean that within undefined dates (viii *establish the dates during which the use may occur*) the Local Trust Committee has the ability within the terms of a TUP to have an unlimited decision on any dates that you could actually offer your STVR?

And why is it necessary to remove every reference to short term vacation rentals in our Official Community Plan?

**The current OCP identifies STVRs as an allowed residential based economic activity and states that:**  
***“Short-term rentals of dwellings provide economic return, offer the visitor an opportunity to experience rural island living, and are an alternative form of accommodation to bed and breakfast or commercial resorts.”***

Is this no longer true? The changes proposed remove **EVERY** reference to STVRs in the OCP and turn every existing STVR on South Pender into a grandfathered but illegal use? The term legal non-conforming means that it is legal but does not conform. Is that what we believe – STVRs do not conform to our vision for South Pender Island? If it is then why are we providing for TUP's? Lets make up our minds – stay or go!

Why not leave the OCP as is recognizing that the use exists? If the community feels that regulations are necessary make the requirement for any STVR's part of the land use by-law with-in the zoning and requiring a temporary use permit?

I believe these are all good questions. However I also believe that the extensive proposed changes to the Official Community Plan have not received the appropriate consideration of our community, they require more discussion and collaboration with and by the community then can be affected in through a

Zoom meeting where the only people we see are the Local Trustees. There has been no referral of the proposed changes to the OCP to the Advisory Planning Commission.

The By-law to amend the OCP has been passed at First Reading without a meeting. Island Trust staff now referred to this as a completed project, suggesting that the next step is for the amending By-law to receive Second and Third Reading on March 5<sup>th</sup> and be passed to the Islands Trust Executive Committee and Minister of Municipal Affairs with a view to final adoption. And to remove the topic from further discussion.

This is inconsistent with previous initiatives to change the OCP which included a comprehensive review of the Official Community Plan and meetings with the community. The South Pender Island OCP belongs to the residents of South Pender Island. Significant changes such as those proposed should be undertaken at a time when people can meet and openly discuss their concerns and objectives for our community. There is no rush to make these changes, there is a moratorium on any additional short term vacation rentals and as pointed out previously, given the criteria being considered, South Pender Island may have already reached, according to the Islands Trust Planning staff, the limit of STVRs being considered as appropriate for South Pender Island.

I object to By-law 120 and the amendments it is proposing the Official Community Plan. They are unnecessary and have not had what could be considered fulsome discussion by the South Pender Island community.

Donna Spalding  
9902 East Side Road  
South Pender, BC

March 3, 2021

South Pender Local Trust Committee

Trustees:

RE: March 5 public hearing

I write to support the proposed changes to the Official Community Plan regarding Short Term Vacation Rentals. Available evidence shows that there has been an increase in these businesses in recent years with very little guidance on how they operate and how to mitigate their impacts on the adjacent neighbourhoods and on our Island's rural character. I don't believe anyone would want to see a mini Whistler type influx of unregulated accommodation businesses particularly given the challenges that the Covid reality now must be considered for our visitor experience.

I commend the trustees for providing a careful review of the available options and developing these bylaws through an open and transparent process. The staff reports of May 1, Sept. 4, Nov 6, 2020 and Jan. 26, 2021 and LTC meeting minutes document the extensive deliberations carried out by the LTC to ensure there was an opportunity for all voices to be heard and considered.

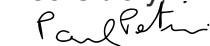
Between the three options of specific zoning for STVRs, the temporary use permit approach or the no change option I believe the trustees have chosen the more balanced option. I expect that there are some who would have preferred the regulatory approach in the zoning option and some who would prefer to have no change. I expect they will not be in support of the more balanced option. While it is important that their voices be heard and their views considered I believe the large majority of Islanders will support the more measured approach of temporary use permits to manage growth and impacts of STVRs.

I am especially pleased to see the inclusion in section 8.26 of the OCP that will:

- consider the cumulative effects of permitted STVRs on the neighbourhood and on South Pender as a whole.
- provide for on island presence of the owner or designated contact for security.
- advise island guests of water conservation, fire safety, emergency services, septic system care, and recycling.
- provide some density control during busy summer months when Island services and resources are taxed to the max.

I support the trustees' measured approach in the bylaws.

Yours truly,



Paul Petrie

9920 Gowlan point Rd.

South Pender

**From:** GINGER TALBOT <gingertal@shaw.ca>  
**Sent:** Thursday, March 4, 2021 9:22 AM  
**To:** vicphsub <vicphsub@islandstrust.bc.ca>  
**Subject:** Opposed

Please record my extreme opposition to proposed Bylaws 119 and 120.

Ginger Talbot

**From:** Paul Williamson <onpender@gmail.com>  
**Sent:** Thursday, March 4, 2021 10:32 AM  
**To:** vicphsub <vicphsub@islandstrust.bc.ca>  
**Subject:** re STVRs

March 4, 2021

Dear Trustees:

re proposed bylaws 119 &

120

A resident of South Pender Island, I am writing to say that I am opposed to the proposed changes to the short term vacation rentals on our Island. I start by saying that I do not have a short term rental cabin, and have no intention of ever having one. However, my neighbours do. And the fact that they do has been a very positive factor in my long time residency on this island.

Every summer I meet very interesting guests who are staying in my neighbours' STVRs. They have enriched my life. Great conversations, fascinating stories, often advice on many things, and even live music. It would be a sad loss if they could no longer come here. Some have become friends. They marvel at our beautiful island, and in so doing increase my sense of being grateful to reside here.

I think it wrong for us to block other people from enjoying our island. It seems a selfish, misguided suggestion. Rather, we should be welcoming and open. I encourage you to reject these proposed changes.

Paul Williamson

*Property owner on South Pender since 1992*

*Permanent resident since 2013*

**From:** Andrew Purcell <ajpurcell@msn.com>  
**Sent:** Thursday, March 4, 2021 11:56 AM  
**To:** vicphsub <vicphsub@islandstrust.bc.ca>  
**Subject:** Proposed Bylaws 119 and 120

Dear South Pender Island Trust

I have been the owner of 8815 Ainslie Point Rd on South Pender for over 20 years.

I am writing to register and express my opposition to proposed bylaws 119 and 120, and the planned elimination of short-term vacation rentals (STVR) as a permitted use from our bylaws on South Pender. Even understanding that my use of 8815 Ainslie Point Rd for STVR would be “grandfathered”, I am compelled to object to the proposed bylaw because my experience has shown me how use of homes on South Pender for STVR has important benefits to both the homeowner and the community.

1. I am dismayed the Trust would consider making a change like this, at a time like this. Surely we can see the severe negative economic impacts of the Covid pandemic on the island economy. It will take time for businesses and individuals’ financial circumstances to recover. The Trust should wait until the post-pandemic economy is understood before making changes that might further damage the local economy.
2. The proposed change appears to be a solution in search of a problem. From what I have read, there are no substantial problems with STVR on South Pender. Given the home ownership profile and total home site limits in place, it is not likely that STVR will present a problem. It is dangerous for a few who believe that there will or might be problems to impose these changes – the negative consequences would seem to outweigh any imagined or anticipated benefit.
3. Land use bylaws on the island should serve all property owners, including those of us who are unable or choose to not be full-time residents at this time. My use of my home on Pender as a STVR is what has enabled me to keep this property for my retirement use. I grew up in Duncan and in Vancouver, and I purchased this home in 2000 with a long-term plan to spend a good part of my time in retirement on Pender. This would not have been economically feasible without the rental income. If STVR are not permitted then people like me would not as easily be able to afford to buy into and hold property on Pender for retirement. Who will be able to buy the larger homes on South Pender? People with more wealth who can afford to keep these homes vacant months out of the year, or even for years. Is this the type of resident the Trust wishes to attract to South Pender? These homes that are vacant are likely more prone to break-ins and damage through lack of use, and homes held in this manner do little to contribute to the local economy.
4. STVR income has enabled me to not only pay for my home, but also to maintain it. Rental income has been a necessary source of funds to clear dead-standing trees, maintain a septic system, replace a roof, maintain landscaping, etc.. Homes with demanding STVR guests and the available rental income are likely to be better maintained.
5. My own STVR activities on Pender have provided employment for local residents. Property maintenance, cleaning, insurance, plumbing, electrical, are just a few of the services I have needed, in some part due to the STVR use of the home. These funds contribute to the local economy.
6. My guests contribute to the local economy. The larger homes on South Pender generally attract families and extended family guests. These are renters with the financial means to pay for such a rental property, and they spend their money as well with local businesses. They buy

art at local galleries. They purchase wine at the Winery and cider at the Cidery, they dine at Jo's Place, Browning, Poets and more. They buy items at the Saturday market. They buy groceries at Tru-Valu, coffee and muffins from the bakery, and bandaids at the pharmacy. In order to maintain the infrastructure on The Penders, the revenue that comes from seasonal visitors is essential. It would be unreasonable for South Pender, whose residents use the services on North Pender, to not contribute to the maintenance of a robust overall Pender economy. Pursuing a supportive approach to STVR on South Pender is an important part of that contribution.

Again, I write not because the proposal would impact me directly and immediately, but because I strongly believe that STVR owners make an important contributions to the preservation of quality homes on South Pender, and to the local economy, and are as committed as other residents to preserving the environmental and social qualities of Pender that make this such a wonderful place to live, and equally, a wonderful place to visit.

Sincerely,

Andrew Purcell

Andrew Purcell  
609-933-4521

From: Audrey Green <adgreen@shaw.ca>  
Sent: Thursday, March 4, 2021 1:14 PM  
To: vicphsub <vicphsub@islandstrust.bc.ca>  
Subject: Bylaws 119 and 120

I am writing in opposition to proposed bylaws 119 & 120.

It has been a difficult year due to Covid 19. The focus for many of us has been to stay healthy and alive. Zoom meetings are not appropriate means for consideration of major bylaw changes. Many individuals are not computer savvy and due to social distancing, the usual dialogue between residents has not occurred and many remain uninformed about these bylaws.

So I ask, what is the rush? Public meetings need to occur so that every individual has an opportunity to participate. Please record my opposition to these bylaws.

Audrey Green

Sent from my iPad

**From:** Judith Allen <joyalenbouviers@hotmail.com>  
**Sent:** Thursday, March 4, 2021 2:31 PM  
**To:** vicphsub <vicphsub@islandstrust.bc.ca>  
**Subject:** Opposition to Proposed By -Laws concerning STVRS and temporary camping limits..

I would like it to be known that I oppose rewording the STVRS by-laws and limiting camping on your own property. I do not see how changing what is not broken, is necessary.

By limiting STVRS providers to 20 permits on South Pender, you are just making accommodating our needed tourists to maintain the Penders economy, more difficult. By imposing an \$1100 application permit fee, you are targeting the owners of STVRS properties with unnecessary expenses. We didn't buy property here on South Pender to live in an HOA restrictive environment. I've owned my property for 20 years. I do not feel overwhelmed by STVRS properties. I had an STVRS next door for several years. There is one on the other side of that home too. I have heard NO comments about STVRS causing noise issues or devaluating property values. We do not have Magic Lake issues. Each property on South Pender is at least an acre. If you feel that STVRS properties could cause "Magic Lake" problems, set up Island Trust "Rules" for STVRS owners AND permanent residents to follow...such as noise by-laws, bonfire limitations, and garbage removal. I had a neighbour for over 10 years who was an occasional resident who regularly had loud drinking parties which went on into the night, had illegal bonfires, demolished the oyster beds out front, and exhibited threatening behaviour. When they turned their home into an STVRS, I rejoiced. I met the nicest, decent people who enjoyed themselves without bothering anyone next door. I see no reason to require parking space for 4 vehicles. Again, you are restricting STVRS owners unnecessarily.

If you are determined to limit house size, where are residents going to accommodate their friends and relatives who wish to visit. Many retired people have campers, trailers and motorhomes. This is often the solution when family visit. It is ridiculous to limit the number of days a resident can have family visit. Most of us here on South Pender are retired. Our family visits mean a great deal to us. Many came from eastern provinces. Our retired friends are welcome to come to visit us on an unlimited time period. They come to check out our island. Last summer I had grandchildren visit for 5 weeks. Suppose I want grandchildren to stay with me while they attend university ? Am I to kick them out at mid term ? While building our home, our contractor told us we would be moving in after 4 months construction. We lived in a 23 ft trailer hooked up to our septic system. 2 1/2 years later after many, many delays due to lack of specialty workers on Pender Island, we moved into a still very sparse home. You cannot limit the time it takes to build a home on an island with so few contractors. Sometime it is a matter of finances. Better to take your time and build what you want.

I plan to attend the zoom meeting.

Judith Allen  
8828 Canal Road  
South Pender Island          250 665 4900

**From:** L and C Whitehead <whiteheads@shaw.ca>  
**Sent:** Thursday, March 4, 2021 1:11 PM  
**To:** vicphsub <vicphsub@islandstrust.bc.ca>  
**Subject:** Bylaw 119

Hello,

After reading about the Community Information Meeting and Public Hearing to discuss proposed changes to the Official Community Plan and Land Use Bylaws relating to Short Term Vacation Rentals and Recreational Vehicles I would like to express that, my husband Larry and myself, are not in favor. By removing all references to STVR's as per the current OCP *"Short-term rentals of dwellings provide economic return, offer the visitor an opportunity to experience rural island living, and are an alternative form of accommodation to bed and breakfast or commercial resorts"* and imbedding a fixed maximum of 20 temporary use permits available to property owners wishing to operate an STVR seems too restrictive. Limiting rental days from May to September would discourage owners from going through the expense of application for limited time.

I am not aware of any concerns or complaints related to STVR's on South Pender. I do agree that STVR operators should be required to register with the LTC and maintain a registration as long as they continue to operate. This would provide some control of the number of registrants without the need for Temporary Use Permits.

Thank you,  
Cathy and Larry Whitehead

**From:** Peter Brooke <peter@pbrooke.com>

**Sent:** Thursday, March 4, 2021 3:40 PM

**To:** vicphsub <vicphsub@islandstrust.bc.ca>

**Cc:** Laura Patrick <lpatrick@islandstrust.bc.ca>; Cameron Thorn <cthorn@islandstrust.bc.ca>; Steve Wright <stwright@islandstrust.bc.ca>

**Subject:** Bylaw 119 & 120 Public Hearing Submission

Trustees,

I write in respect of proposed bylaws #119 and #120 that would require residents wishing to operate a Short Term Vacation Rental to seek issuance of a Temporary Use Permit from the Local Trust Committee.

My concerns about regulating this activity have been stated in past correspondence so I will not restate them here. I accept that the evidence developed by the Trust Committee in the bylaw development process has demonstrated there is some community interest in regulation of some degree. However, I do not believe it demonstrated that there was a broad consensus of the community in favour of a substantially restrictive regulation, or that there exists a current or anticipated problem relating to STVRs on South Pender that requires a strict regulatory response.

Given this, and given that, unlike other islands, South Pender residents had previously specifically authorized this use of their residential properties by way of their OCP, I believe that if the LTC now wishes to regulate that use then it should be done in a manner that minimizes the number of barriers imposed that would inhibit a resident from receiving a permit and operating an STVR in an economically viable manner. This would be the closest I can imagine the committee being able to get to matching a policy decision with what has been learned through the community engagement process.

Unfortunately, I do not believe that bylaws 119 and 120 achieve that goal. There are too many potential impediments and too high a potential cost associated with meeting the application requirements. I believe, given the proposed regulations in the bylaw, many residents will be apt to conclude that they would either be unlikely to qualify for a permit, or that the restrictions that could be imposed on the permitted use would not justify the non-recoverable costs of making an application. While the intention of the LTC may be to regulate the activity, the practical effect of the regulation proposed will likely come nearer to prohibiting it than continuing to facilitate it (as the current OCP does) while providing the community with greater assurance that it takes place in a responsible manner.

I don't believe that that result would be consistent with the feedback that the LTC has received, or the evidence that it has developed, and therefore I would ask the LTC to consider withdrawing these proposed bylaws and developing ones that would gain a broader approving consensus among South Pender residents, which should be the standard required of an LTC when it seeks to amend the OCP to remove a land use that was previously (until temporary bylaw 117) conferred on residents as of right.

Yours truly, Peter Brooke  
9931 Boundary Pass Dr.

**From:** Everest MacDonald <[everest.elevate@gmail.com](mailto:everest.elevate@gmail.com)>

**Date:** March 4, 2021 at 9:40:55 PM PST

**To:** Cameron Thorn <[cthorn@islandstrust.bc.ca](mailto:cthorn@islandstrust.bc.ca)>, [swright@islandstrust.bc.ca](mailto:swright@islandstrust.bc.ca)

**Subject:** STVR on South Pender

Dear South Pender Island Trustees,

First of all - thank you for your commitment to our beautiful Island. We are all so lucky to share this land and I know that you are working hard to preserve and protect :)

My name is Everest MacDonald and I have owned the property I live on since 2003. I purchased my land when it was zoned Forest and now it is Rural Residential. Since I bought the property I have been legally allowed to run an STVR and a significant reason for buying and developing the property the way I did was because land use allowed for a legal STVR. I have been running an STVR on this property since 2007.

Last year I was told that my property would be grandfathered should the land use bylaw be amended or changed to require a TUP for STVRs. I want to ensure that this is still true and that if TUP's are required in the future, that all "grandfathered" properties would not require the same restrictions that an STVR TUP must abide by. I would also like to have in writing a letter which states the above for my records.

I cannot comment on how many STVR permits should be granted. I believe that this would require a lot of research in order to have a data driven answer (ie. how many grandfathered STVRs there are and how many are waiting in the wings for a TUP relative to what the "community" (local South Pender residence) and "environment" (water/ impact) feels is a healthy number. Another consideration is the type of STVR (ie. a permanent resident renting their house out a few times a year VS an absentee or business driven decision to have an STVR rented to the max. (ie. 20TUPS of light renters VS 20 TUPs of close to full time STVRs have a very different impact on the Island)

It seems fair that there could be a limit to the number of rental days permitted between May and October (with no limit on the days between November and April). I would be curious to know how many you are thinking about limiting it to so that a conversation can emerge as to what is a healthy number. What is this limited number of days driven by?

I feel that having a restriction of 4 adults seems small (6 seems more reasonable) as it has been my experience that often families rent our place to have the opportunity to be together (multi generations meeting in a central location between Victoria, Vancouver Island and Vancouver). I am assuming this means that the number of children is unlimited? I suppose it also depends on the size of the TUP (ie. maybe you have mostly 1 bedrooms renting out on South Pender so then there is space for a larger house for special circumstances such as mentioned above with family reunions).

I do like the idea that off street parking is required. I do not agree to the requirement to provide off street parking for a MINIMUM of four vehicles. But rather the size of the specific STVR would determine the number of spaces required with the caveat that no more vehicles than the amount allotted to that specific TUP would be allowed and if a complaint regarding too many vehicles emerged that the TUP would be in jeopardy. That puts the onus on the TUP holder to provide the appropriate number of spaces. My concern with the min. of four is that I know of some STVRS where only two people could stay in them so 2 extra parking spaces would suffice and be built into the natural environment rather than four to only serve this fear based requirement. An addendum to this particular issue is that perhaps with the addition of parking spaces for the extra cars perhaps a landscape buffer is added around the parking so that neighbours are visually and audibly shielded. Perhaps the walkway up to the house is also landscaped for privacy from the neighbours? If Peace and quiet is one of the key concerns than landscaping is a very good solution that fits within the Trust's mandate.

Penultimately, I don't think that the grandfathered properties should have to rent out their STVR every 6 months to maintain their grandfathered status. What would now become a "privilege" to grandfathered properties would also become a burden and force people to rent out more often than they did before the grandfather clause. I personally did not rent out my place during the pandemic in order to do my part in keeping Pender safe so with this regulation in place I would have lost my rights to have an STVR now. I also have aging parents that I would like to be able to offer a room in my house to, should they need it, and that circumstance could put my STVR status at risk when, again, I am trying to help my family and community (as they too are South Penderites). Similarly, should I fall sick (or any other STVR owner have an unforeseen unfortunate circumstance) I would hope that a letter to the Trust stating their hardship would suffice to place hold their status in the future; the intent is to continue once circumstances evolve favourably.

My final point that I want to make is that, for future STVRs that require TUP's, it seems burdensome to have the requirement that every 6 months the STVR must be rented. What if the person who has this STVR actually lives in their home most of the time and only intends to have rentals for a few weeks a year while they are away (ie. they are a permanent resident as opposed to an absentee landlord). It might be helpful to the Trustees to ask more questions during the TUP process to find out what the intent is of the owner of the STVR long term to gain more knowledge for future TUP decisions. Maybe different TUP's have different restrictions/ limits to their use based on what they ask for during their application so that it helps Trustees plan ahead and make educated decisions?

Thank you so much for your time, I look forward to hearing what you have to say.

Take care,  
Everest  
778 977 4448

**From:** Sonya Fulawka <suncoastnursery@gmail.com>  
**Sent:** Thursday, March 4, 2021 4:29 PM  
**To:** vicphsub <vicphsub@islandstrust.bc.ca>  
**Subject:** Fwd: South Pender short term vacation rentals bylaw 119 and 120 - opposed

Hi - Please add our voice to the conversation.

Regards, John Fulawka

----- Forwarded message -----

**From:** John <[suncoastnursery@gmail.com](mailto:suncoastnursery@gmail.com)>  
**Date:** Thu, Mar 4, 2021 at 4:20 PM  
**Subject:** South Pender short term vacation rentals bylaw 119 and 120 - opposed  
**To:** [stwright@islandstrust.bc.ca](mailto:stwright@islandstrust.bc.ca) <[stwright@islandstrust.bc.ca](mailto:stwright@islandstrust.bc.ca)>

Hi Steve,

Hey my apologies – I was just going through my accounting and see I missed a letter from you and Cameron asking for my view on vacation rentals.

My family has welcomed tourists to South Pender for over 30 years and our experience has been very positive. Our strategy has been to encourage our best visitors to return every summer. Through the years they have been acclimated to what we would expect from our residents – a full understanding of our precious location and what is required to assure it is protected – water, fire, garbage, respect for our surroundings etc.

I believe our residents who have the experience of managing tourists in their home(s) have been doing an exemplary job and should be commended for shepherding tourists on and off our island. Without them tourists are free to blindly roam and cavort!

I think the current bylaw proposal is irresponsible on your part as this issue should be visited in a time when Covid is behind us. We only have muted voices to discuss such monumental changes as you propose at this time.

The only suggestion I have for you is that STVRs should only be run by a resident who is on hand at all times to assure their guests are managed safely through their stay.

Sent from [Mail](#) for Windows 10

9907 Kloshe Road  
S. Pender Island, BC  
V0N 2M3

March 4, 2021

Dear Islands Trust South Pender LTC Members:

I have addressed the Committee in the past regarding Short Term Vacation Rentals on South Pender Island. Rather than provide a thorough rehash of comments that are already on the record, my intent today is to summarize my concerns with the LTC's movement to curtail and regulate STVRs.

The LTC's effort to strike STVR-permissive language from the Official Community Plan and institute a special permit scheme is void of community concern or demonstratable "problems." The LTC's mandate to address STVRs seems to be generated from within.

My family's experience offering STVRs at our Gowlland Point Property does not bear-out any of the issues suggested by the LTC as problematic. Our water consumption during periods STVRs have been hosted is consistently less than when the home was owner-occupied. 50+ years of informal private well monitoring records show that to be the case. The only time water starvation occurred was during a period of full-time residence, and was more likely attributable to drought conditions than consumption impacts. Our guests have been quiet and respectful of the property. We instill the importance of tranquility for our neighbors when vetting potential renters. Reports from our neighbors indicate general satisfaction with the presence of guests at our property. The vast majority of our renters return during the same time period each year. They form a bond with the property and develop fond memories with their families, much like the many generations of my family have done at this spot. In my observation, these visitors treat our home and the Penders as responsible guardians with a vested interest in the community. In a nutshell, our STVR guests behave in a manner much more akin to permanent residents than hotel occupants.

It's rather evident that the Pender Islands do not have sufficient accommodations to meet demand at peak periods (typically summer). STVRs alleviate that supply/demand quandary to a certain extent. Why would a regulatory body wish to reduce guest capacity on our islands? Both in general attitude and via proposed action, the LTC seems to take an anti-tourism stance with regard to STVRs. Not only would measures to diminish visitor accommodations dissuade tourism, the impacts might be both predictable and not so. Imagine numerous families, each staying for a one-week vacation in a Pender STVR. Sure, they would add to crowds in stores, galleries, eateries, parks and other public venues. They'd also bring a positive financial impact as they "burden" our community resources. Perhaps there's a bit of good and bad in those impacts, but it's difficult to deny the positive impacts the Penders' economy enjoys from multi-

night visitors. Now, re-imagine these numerous families without a place to stay; all those days and nights redistributed into multiple day trips in order to explore an island they are interested in. Would there be as many meals out, grocery purchases, etc.? Hard to say, but one thing is certain: increased ferry traffic as visitors ride two ferries in a day, as opposed to one ferry ride on each end of a longer stay. Does the APC wish to drive higher levels of ferry traffic?

Are my assertions in the above paragraphs based on hard data or any science whatsoever? No, but neither is the anti-STVR course the Committee is set upon. I do however possess considerable experience that demonstrates plenty of STVR positive attributes, with virtually zero problems to report.

Absent any supporting evidence or compelling community outcry, I find it very interesting that the genesis of the Committee's "STVR Project" originates internally and is devoid of substantiation. In case there is any doubt, I stand in firm opposition to LTC's proposal to alter the OCP language to the detriment of STVRs. Thank you for considering my comments and placing me as a solid "no" while you weigh community support for STVR curtailment.

Kind regards,

Richard P. Christy

## South Pender Island STVR Review - Project Charter (Revision)

South Pender Island LTC

Date: July 15, 2020

**Purpose:** *The purpose of this project is to conduct a review of South Pender Island's Short Term Vacation Rental (STVR) policies and regulations and evaluate the impact of STVRs on South Pender to inform potential policy change*

**Background:** On Oct. 18, 2019 a Special Meeting of the South Pender LTC was held to address concerns related to the perceived impacts of STVRs. A bylaw amendment prohibiting new STVRs in dwellings from commencing was read for the first time at the November 1<sup>st</sup> South Pender LTC meeting. This bylaw was intended as an interim measure while a more fulsome review of SP STVR policy is undertaken.

### Objectives

- To assess the impact of STVR use and related policy and regulations on South Pender
- To review STVR regulations and policies and provide options for potential STVR regulation and policy changes

### In Scope

- Identification of number of locations of known STVRs on South Pender.
- Research and analysis of existing STVR regulations and policies.
- Public outreach including a community survey, one public meeting and one operators meeting
- Identification of STVR regulation and policy options
- Bylaw amendment process (dependent on recommendations)

### Out of Scope

- OCP of LUB amendments not related to STVR

## Workplan Overview

| Deliverable/Milestone                                                           | Date            |
|---------------------------------------------------------------------------------|-----------------|
| Project Initiation                                                              | Sept 6/2019     |
| Report on project process and endorsement of project charter                    | Dec. 16/2019    |
| Complete public/stakeholder outreach (including public meeting)                 | April/2020      |
| Report to LTC on public engagement results and policy options for LTC direction | May 1, 2020     |
| Draft Bylaws for LTC review                                                     | June /2020      |
| Consultation with STVR operators                                                | Sept/Oct 2020   |
| Bylaw amendment first reading                                                   | November 6/2020 |
| Bylaw referrals                                                                 | Nov.-Jan. 2020  |
| Public Hearing, further reading                                                 | Early 2021      |
| Bylaw amendment process completed                                               | Spring/2021     |

### Project Team

|                                                                               |                                                                            |
|-------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| Narissa Chadwick                                                              | Project Manager                                                            |
| Maple Hung                                                                    | Admin Support                                                              |
| Jackie O'Neil                                                                 | GIS Support                                                                |
|                                                                               |                                                                            |
|                                                                               |                                                                            |
|                                                                               |                                                                            |
| <b>RPM Approval:</b><br><i>Robert Kojima</i><br><b>Date:</b> December 2, 2019 | <b>LTC Endorsement:</b><br>Resolution #:<br><b>Date:</b> December 16, 2019 |

### Budget

#### Budget Sources:

| Fiscal  | Item                                              | Cost   |
|---------|---------------------------------------------------|--------|
| 2019-20 | Open House                                        | \$500  |
| 2019-20 | Advertising, communications and display materials | \$500  |
| 2020-21 | Consultation with Operators                       | \$1000 |
| 2020-21 | Public Hearing                                    | \$500  |
| 2020-21 | Legal/Contingency                                 | \$2000 |
|         |                                                   |        |
|         | Total                                             | \$4500 |

# FAQs? STVRs (Short Term Vacation Rentals)

## What is an STVR?

STVR refers to the commercial use of a dwelling or cottage to provide accommodation for people for periods of less than 30 consecutive days to persons who normally maintain a residence elsewhere.

## What kinds of STVRs are on South Pender?

- 1 STVRs as a Permitted Principal Use:**  
On lots where a single family dwelling is allowed as a principal use, short-term rental of those dwellings may be allowed (Rural Residential, Agricultural, Forestry, and Natural Resource zones). The owner/operator or manager does not have to be resident on the property.  
  
A cottage can not be used for short term vacation rental at the same time as a dwelling on the same lot is being used for short term vacation rental as a principal use.
- 2 STVRs as Home Business:**  
This includes rental of cottages and the use of the principal residence as a Bed and Breakfast, allowing up to 3 bedrooms to be rented provided the property owner or operator or one of the employees of the home business is a resident on the lot at the time the home business is operated.

## Why is the South Pender LTC reviewing STVR policy?

Almost 20 years has past since STVR policy and regulation was introduced into the OCP and LUB. The LTC believes that it is time to examine the impact the operation of STVRs have had on South Pender and consider whether there is a need for a different approach to how STVRs are regulated on the island.

## What does the STVR policy review involve?

The STVR policy review will involve gathering facts about STVR impacts through research and public engagement.

## Where does Bylaw 117 fit into the STVR policy review process?

Bylaw 117 is meant to be an interim step while the South Pender LTC conducts a review of STVR policy. This bylaw amendment will remain in force until it has been replaced by a future regulation informed by the STVR policy review.

## How can I share my views during the review process?

The South Pender LTC has initiated a STVR review process which will include public engagement opportunities via the internet and in person. Letters sent directly to Trustees or Islands Trust staff will also be included in the policy review. Details on public engagement will be provided on the South Pender Island webpage.



Islands Trust

south pender island local trust committee

STVR OPEN HOUSE

# FAQs? STVRs

## What is the history of STVR policy and regulation on South Pender Island?

STVRs have existed on South Pender Island before they were acknowledged in policy or regulation.

- 2000 -2002 OCP review discussions acknowledged need for STVRs to be recognized in policy.
- 2002 OCP amendment provided policy guidance on residential and short term rental use of both single family dwellings and cottages. Zoning regulations were developed to support OCP direction.
- 2005 Southern Gulf Islands Accommodation Inventory report identifies 12 STVRs and 1 Bed and Breakfast on South Pender Island.
- 2011 OCP Review STVR policies and regulations were not considered during this process. No changes to STVR policy were made.
- 2016 LUB Review STVR policies and regulations were not considered during this process. No changes to STVR regulations were made.

## What recent discussions has the LTC had related to STVRs on South Pender?

- October 18, 2019 LTC called a special meeting and directed staff to initiate a process to remove STVR as a permitted principal use in zones where they are currently permitted as such (Rural Residential, Agricultural, Forestry, and Natural Resource zones).
- November 1, 2019 at the LTC meeting, bylaw amendment removing STVRs as a principal/outright permitted use in zones allowing single family dwellings was read for the first time.
- December 7, 2019 Community Information Meeting (CIM) held to discuss Bylaw 117.
- December 16, 2019 Bylaw 117 given First and Second reading by LTC.
- January 15, 2020 Bylaw 117 is approved by the Executive Committee of the Islands Trust.



Islands Trust

south pender island local trust committee

STVR OPEN HOUSE

# FAQs? Bylaw Amendment 117

## What is this bylaw amendment all about?

The intention of this bylaw amendment is to be an interim measure to prohibit new STVR businesses from being initiated on South Pender while the LTC engages the public in a review of existing STVR policy.

## What will the bylaw amendment change?

The proposed bylaw amendment will prohibit STVRs as a principal/outright permitted use in all zones where they are currently permitted as such (Rural Residential, Agricultural, Forestry, and Natural Resource zones).

## I am currently operating an STVR. Will the bylaw amendment impact my business?

No. If you have been operating an STVR business previously permitted it will become “legally non-conforming”/”grandfathered”.

## What kinds of STVRs will be able to operate after the amendment is passed?

- 1 STVRs that were previously operating and will become “legally non-conforming”.
- 2 STVRs that conform to home business regulations (cottage rentals and B &Bs).

## What is the process for enacting the bylaw amendment?

A bylaw amendment needs to be read three times by the LTC before it is passed. A public hearing must be held before the bylaw amendment is read for the third time. Once adopted by the LTC, the bylaw will need to be approved by the Islands Trust Executive Committee.

## Can this bylaw amendment be changed?

This bylaw amendment is meant to be an interim step while the South Pender LTC conducts a review of STVR policy. This review will inform future changes to STVR policy and regulations.

### SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 117

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#### A BYLAW TO AMEND SOUTH PENDER ISLAND LAND USE BYLAW No. 114, 2016

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1. Section 5.1 (Rural Residential Zones) is amended under “Permitted Uses” by deleting “(1) (d) Short-term vacation rental of a dwelling;” and replaced with “rescinded”
2. Section 5.1 (Rural Residential Zones) is amended under “Conditions of Use” by deleting “(8) Only one dwelling or cottage may be used for short-term vacation rental on a lot at the same time.” and replaced with “rescinded”
3. Section 5.5 (Agriculture (A)) is amended under “Permitted Uses” by deleting “(1)(d) Short-term vacation rental of a dwelling;” and replaced with “rescinded”
4. Section 5.5 (Agriculture (A)) is amended under “Conditions of Use” by deleting “(10) Only one dwelling or cottage may be used for short-term vacation rental on a lot at the same time.” and replaced with “rescinded”
5. Section 5.6 (Forestry (F)) is amended under “Permitted Uses” by deleting “(1)(a) Short-term vacation rental of a dwelling;” and replaced with “rescinded”
6. Section 5.6 (Forestry (F)) is amended under “Conditions of Use” by deleting “(8) Only one dwelling or cottage may be used for short-term vacation rental on a lot at the same time.” and replaced with “rescinded”
7. Section 5.7 Natural Resource (NR) under “Permitted Uses” by deleting “(1)(c) Short term vacation rental of a dwelling;” and replaced with “rescinded”
8. Section 5.7 Natural Resource (NR) under “Conditions of Use” by deleting “(7) Only one dwelling or cottage may be used for short-term vacation rental on a lot at the same time” and replaced with “rescinded”



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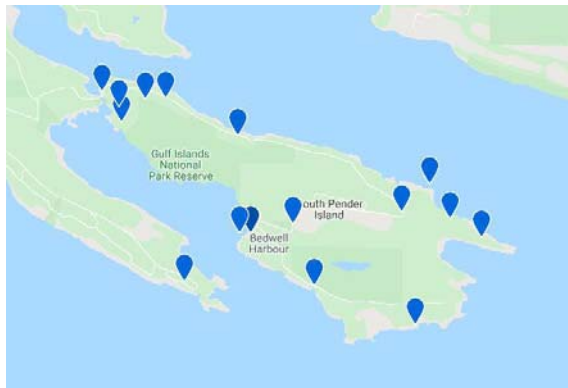
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# Legal Non-Conforming

*STVRs that were in operation before Bylaw 117 can continue to operate as “Legal Non-Conforming”. There is no need to ‘apply’ for non-conforming protection.*

## What is “Legal Non-Conforming” Use?

- Uses that were legal but no longer conform after a bylaw change (e.g. STVR as principal permitted use)
- Change of ownership does not affect non-conforming protection of a use
- A non-conforming use cannot be extended beyond the scale or to a greater degree than that at the time of bylaw adoption
- Seasonal use is considered by the legislation and would apply to STVR operations
- Structural alterations or additions may not be made to a building with a non-conforming use except with approval of the Board of Variance



## How many “legal non-conforming” STVRs are there on South Pender?

- 21 STVR operations have been identified online (AirBnB/VRBO/Home Away/Chamber of Commerce)
- Over half appear to be principal use STVRs (hard to determine)
- There may be others that do not advertise

## How can an STVR operator confirm “legal non-conforming” status?

- Provide Islands Trust Staff with link to your advertised listing (AirBnB, VRBO, Chamber of Commerce, Craigslist etc)
- OR
- Connect with Islands Trust staff to identify ways to confirm “legal non-conforming” status

Staff Contact: [nchadwick@islandstrust.bc.ca](mailto:nchadwick@islandstrust.bc.ca)



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# Other Islands Trust Areas & Jurisdictions

## Islands Trust Areas

The islands of the Trust have taken a variety of approaches to address the use of STVRs. As each Local Trust Area (LTA) has its own Land Use Bylaw (LUB) and its own Official Community Plan (OCP), each island has taken an approach consistent with its own individual culture, history, and intensity of tourist use.

The main tools available to the LTAs under the Islands Trust Act are modifications to the OCP and associated LUBs to include STVR-specific provisions. Within the LUBs, this generally takes the form of home occupation regulations or zoning that specifically permits STVR use, and places limits upon their operations.

### Islands Trust STVR Regs. and Enforcement

| STVR Policy Overview Table | STVRs permitted in cottages | STVRs permitted in dwellings | STVRs permitted as home occupation | STVRs permitted via TUP | STVRs permitted via zoning | B&Bs permitted | Proactive enforcement | Complaint-based enforcement |
|----------------------------|-----------------------------|------------------------------|------------------------------------|-------------------------|----------------------------|----------------|-----------------------|-----------------------------|
| Bowen                      | X                           | X                            |                                    |                         | X                          | X              |                       | X                           |
| Denman                     |                             | X                            | X                                  |                         |                            | X              | X                     |                             |
| Gabriola                   |                             |                              |                                    | X                       |                            | X              |                       | X                           |
| Galiano                    | X                           | X                            | X                                  | X                       |                            | X              | X                     |                             |
| Gambier                    | X                           | X                            | X                                  |                         |                            |                |                       | X                           |
| Hornby                     | X                           | X                            | X                                  | X                       | X                          | X              | X                     |                             |
| Lasqueti                   |                             |                              |                                    |                         |                            | X              |                       | X                           |
| Mayne                      | X                           |                              | X                                  | X*                      |                            | X              | X                     |                             |
| North Pender               | X                           | X                            | X                                  | X                       |                            | X              | X                     |                             |
| Salt Spring                |                             |                              |                                    |                         |                            | X              | X                     |                             |
| Saturna                    | X                           |                              | X                                  | X                       |                            | X              |                       | X                           |
| South Pender               | X                           |                              | X                                  | X*                      | X                          | X              |                       | X                           |
| Thetis                     | X                           |                              | X                                  | X                       |                            | X              |                       | X                           |

\*While permitted via TUP, this island does not have specific STVR TUP guidelines.

OCPs allow TUPs (Temporary Use Permits) to be issued for limited periods of time, and several islands have created specific guidelines for STVRs to be issued TUPs.

Bowen Island has the ability to issue business licenses to operate STVRs, as it is incorporated as a municipality and has expanded legislative powers.

Bylaw enforcement with respect to STVRs varies between islands, ranging from complaint-based to proactive. Currently, seven LTAs operate on a complaint-based system, requiring one or two written complaints from neighbours, while six others are currently using a proactive approach.

## Other Jurisdictions

Policies regulating STVRs within other jurisdictions range from prohibition to no regulation. The most common practice is to permit STVRs with conditions, imposed either through a business license or a land use bylaw. Approaches commonly used in other jurisdictions include:

- Business licenses
- Zoning - site specific and/or in specific areas.
- Principle residence only
- Caps on days per year
- Temporary Use Permits (TUPs)
- Municipal & Regional District Tax (MRDT)



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# South Pender's STVR Review Process



## Emails can be sent directly to Local Trust Committee members:

Cameron Thorn  
South Pender Island Trustee  
[cthorn@islandstrust.bc.ca](mailto:cthorn@islandstrust.bc.ca)  
604-317-8174

Laura Patrick  
Local Trust Committee Chair  
[lpattick@islandstrust.bc.ca](mailto:lpattick@islandstrust.bc.ca)  
250-537-6822

Steve Wright  
South Island Trustee  
[stwright@islandstrust.bc.ca](mailto:stwright@islandstrust.bc.ca)  
250-629-6632

### And Islands Trust Staff:

Narissa Chadwick  
Island Planner, Southern Team  
[nchadwick@islandstrust.bc.ca](mailto:nchadwick@islandstrust.bc.ca)  
250-405-5189

Islands Trusts offers a [subscription service](#) that sends e-mails about meeting agendas, meeting minutes, news releases and other topics. The South Pender Island Local Trust Committee also holds regular business meetings with town hall sessions for community input.

For more information, please visit [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca) or call 250-405-5151 (Enquiry BC Toll-free: 1-800-663-7867 or from the lower mainland 604-660-2421).



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