



PUBLIC HEARING

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

February 25, 2021
Electronic Meeting (Zoom Webinar)
PROPOSED BYLAW NO: 222

Project: Short Term Vacation Rentals

RELEVANT BACKGROUND INFORMATION REFERENCE BINDER

➤ ***CHAIR'S OPENING STATEMENT***

1. NOTICE OF PUBLIC HEARING

2. NORTH PENDER ISLAND LOCAL TRUST COMMITTEE PROPOSED BYLAW

- a. Bylaw No. 222 – North Pender OCP Bylaw No. 171, 2007, Amendment No. 1, 2020

3. REFERRALS TO AGENCIES & FIRST NATIONS

- a. Bylaw Referral – No. 222
- b. Agencies & First Nations Referral Responses Received

4. RELEVANT MINUTES/RESOLUTIONS WITHOUT MEETING

- a. January 28, 2021
- b. November 26, 2020
- c. October 29, 2020
- d. September 10, 2020
- e. July 2, 2020
- f. January 30, 2020
- g. November 7, 2019

5. STAFF REPORTS / MEMOS

- a. January 28, 2021
- b. November 26, 2020
- c. October 29, 2020
- d. September 10, 2020
- e. July 2, 2020
- f. April 2, 2020
- g. January 30, 2020
- h. November 7, 2019

6. CORRESPONDENCE

- a. September 2020 to February 2021

7. PUBLIC HEARING SUBMISSIONS

- a. Jim Burrows
- b. Darryl Persello
- c. Doreen Ball
- d. Marian & Lindsay Thomson

8. OTHER

- a. STVR - Results of Online Survey

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. 222 – cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, 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."



Islands Trust

OCP Amendments for Temporary Use Permits for Short Term Vacation Rentals Bylaw 222

**Have
Your
Say**

February 25, 2021
CIM - 9 a.m.

Public Hearing
to follow CIM

Zoom Meeting

Phone (Toll Free):

Canada: 833 958 1164

US: 833 955 1088

[https://islandstrust.](https://islandstrust.zoom.us/j/66784295253)

[zoom.us/s/66784295253](https://islandstrust.zoom.us/j/66784295253)

Webinar ID Code:

667 8429 5253

Who should attend?

Anyone affected by
the proposed bylaws

Enquires?

Kim Stockdill

Island Planner:

250-405-5157

[kstockdill@](mailto:kstockdill@islandstrust.bc.ca)

[islandstrust.bc.ca](mailto:kstockdill@islandstrust.bc.ca)



PUBLIC HEARING

NORTH PENDER LOCAL TRUST COMMITTEE

What is the bylaw about?

The North Pender Island Local Trust Committee (LTC) is reviewing the Temporary Use Permit (TUP) guidelines for Short Term Vacation Rentals (STVRs) as part of the LTC's Top Priority Project. The LTC is now proposing to amend the TUP section in the North Pender Island Official Community Plan (OCP) Bylaw No. 171, 2007 (OCP) in order to amend and add new STVR TUP guidelines.

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

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/npender/news-page/>



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 12 to 24, 2021, or online:

<http://www.islandstrust.bc.ca/npender/stvrproject>

Written submissions?



Send by 4:30 p.m., February 24, 2021 to:

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

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

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 222

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

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

1. CITATION

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

2. SCHEDULES

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

3. SEVERABILITY

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

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

CHAIR

SECRETARY

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

SCHEDULE 1

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

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

“PART 6 TEMPORARY USE PERMITS

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

Temporary Use Permit Policies and Guidelines

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

- 6.4.4 The Local Trust Committee should not approve more than one short term vacation rental temporary use permit within a 200 metre radius from another short term vacation rental temporary use permit.
- 6.4.5 The applicant should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use.
- 6.4.6 If the property is serviced by a private well, the applicant must demonstrate the well has adequate quality and quantity of water for the short term vacation use. A pump test, professional report, or rainwater system may be required for the application or as a condition of the permit.
- 6.4.7 If the property is serviced by a community water system, the application should be referred to the water system for information.
- 6.4.8 A short term vacation rental temporary use permit should not be issued if located within the Trincomali Improvement District.
- 6.4.9 The applicant should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles.
- 6.4.10 If the proposal is located on a property identified as containing a sensitive ecosystem, the temporary use permit should require that the applicant provide information for guests indicating the location of the sensitive areas, and information on how to avoid impacting the sensitive features.
- 6.4.11 The temporary use permit should restrict advertising to one unilluminated sign, with a maximum area of 0.6 m².
- 6.4.12 The temporary use permit should require that the owner or other designated contact be available on North or South Pender Island by telephone or email at all times when the short term vacation rental is in use.
- 6.4.13 The temporary permit should require the owner or manager provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number and email, and a copy of the temporary use permit.
- 6.4.14 The permit should require the applicant post the following information for guests:
- a) remind guests that the property is located in a residential area;
 - b) information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted);
 - c) emergency services contact information, and to provide a means for contacting them if the property is located in an area with no cellular service; and

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

6.4.15 In addition to any other conditions the Local Trust Committee may consider appropriate, in some situations the permit may:

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

6.4.16 A temporary use permit for a short term vacation rental on a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.

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

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

From: Maple Hung

Sent: Friday, November 13, 2020 10:31 AM

To: [REDACTED]; 'Halalt [REDACTED]' <[REDACTED]>; 'reception@lyackson.bc.ca' <reception@lyackson.bc.ca>; [REDACTED] >; 'reception@pauquachin.com' <reception@pauquachin.com>; [REDACTED] [REDACTED] [REDACTED] [REDACTED]; 'reception@tsartlip.com' <reception@tsartlip.com>; 'I [REDACTED] [REDACTED] >; ' [REDACTED] [REDACTED] >; ' [REDACTED]

Cc: Jas Chonk <jchonk@islandstrust.bc.ca>; Kim Stockdill <kstockdill@islandstrust.bc.ca>

Subject: North Pender Island Local Trust Committee Referral of Proposed Bylaw No. 222 - For Response

Dear Referral Coordinator,

The North Pender Local Trust Committee (LTC) has asked that its proposed bylaw (Bylaw No.222, attached) cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2020” be referred to you for comment.

Purpose: The North Pender Island Local Trust Committee (LTC) is reviewing the Temporary Use Permit (TUP) guidelines for Short Term Vacation Rentals (STVRs) as part of the LTC’s Top Priority Project. The LTC is now proposing to amend the TUP section in the North Pender Island Official Community Plan (OCP) Bylaw No. 171, 2007 (OCP) in order to amend and add new STVR TUP guidelines.

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/north-pender/projects-initiatives/np-stvr-review-project/>

A reply is respectfully requested by **Monday December 21th, 2020**.

We understand that there are numerous demands on your time, however, we genuinely welcome any comments or questions you may have.

Should you have any questions, or require further information, please contact Planner Kim Stockdill at kstockdill@islandstrust.bc.ca or 250-405-5157.

Please direct referral responses to southinfo@islandstrust.bc.ca

Or by mail to: Islands Trust, Victoria Head Office – 200-1627 Fort Street, Victoria BC V8R 1H8.

Thank you for your time and attention to this matter.

Yours truly,

Maple Hung (On behalf of Jas Chonk, Legislative Clerk)

Maple Hung

Planning Team Assistant
Islands Trust – 200-1627 Fort St.
Victoria BC, V8R 1H8
Phone: 250-405-5163
Enquiry BC Toll-free call 1-800-663-7867 or from lower mainland 604-660-2421

Websites: www.islandstrust.bc.ca www.islandstrustconservancy.bc.ca
*Preserving *Island* communities, culture and environment since 1974*



Please consider the environment before printing this email

From: Maple Hung

Sent: Friday, November 13, 2020 8:55 AM

To: 'Kris.Nichols@gov.bc.ca' <Kris.Nichols@gov.bc.ca>; 'jstarke@crd.bc.ca' <jstarke@crd.bc.ca>; Bylaw Enforcement <bylawenforcement@islandstrust.bc.ca>; 'ccondron@crd.bc.ca' <ccondron@crd.bc.ca>; 'cathie.mcintyre@bcassessment.ca' <cathie.mcintyre@bcassessment.ca>; 'binspection@crd.bc.ca' <binspection@crd.bc.ca>; Daniela Murphy <dmurphy@islandstrust.bc.ca>; [REDACTED]

Cc: Jas Chonk <jchonk@islandstrust.bc.ca>; Kim Stockdill <kstockdill@islandstrust.bc.ca>; 'jarnet@crd.bc.ca' <jarnet@crd.bc.ca>

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A reply is respectfully requested by **Monday December 14th, 2020.**

We understand that there are numerous demands on your time, however, we genuinely welcome any comments or questions you may have.

Should you have any questions, or require further information, please contact Planner Kim Stockdill at kstockdill@islandstrust.bc.ca or 250-405-5157.

Please direct referral responses to southinfo@islandstrust.bc.ca

Or by mail to: Islands Trust, Victoria Head Office – 200-1627 Fort Street, Victoria BC V8R 1H8.

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Yours truly,

Maple Hung (On behalf of Jas Chonk, Legislative Clerk)

Maple Hung
Planning Team Assistant

Islands Trust – 200-1627 Fort St.

Victoria BC, V8R 1H8

Phone: 250-405-5163

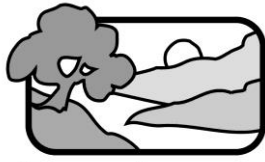
Enquiry BC Toll-free call 1-800-663-7867 or from lower mainland 604-660-2421

Websites: www.islandstrust.bc.ca www.islandstrustconservancy.bc.ca

Preserving Island communities, culture and environment since 1974



Please consider the environment before printing this email



Islands Trust

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: North Pender Island Local Trust Area Bylaw No.: 222 Date: November 4, 2020

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 North Pender Island Local Trust Committee (LTC) is reviewing the Temporary Use Permit (TUP) guidelines for Short Term Vacation Rentals (STVRs) as part of the LTC's Top Priority Project. The LTC is now proposing to amend the TUP section in the North Pender Island Official Community Plan (OCP) Bylaw No. 171, 2007 (OCP) in order to amend and add new STVR TUP guidelines.

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GENERAL LOCATION:

North 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

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
Magic Lake Property Owners Society
Razor Point Improvement District
Trincomali Water Improvement District

Regional Agencies

Capital Regional District – Building Inspection
Capital Regional District – Magic Lake Water & Sewer Committee

Adjacent Local Trust Committees and Municipalities

Mayne Island Local Trust Committee
Saturna Island Local Trust Committee
South Pender Island Local Trust Committee
Salt Spring 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

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

North Pender Island Local Trust Area

(Island)

222

(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency)

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 222

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

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1. CITATION

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APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
APPROVED BY THE MINISTER MUNICIPAL AFFAIRS AND HOUSING THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

CHAIR

SECRETARY

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

SCHEDULE 1

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

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Sent: Friday, November 13, 2020 10:31 AM

To: [REDACTED]; 'Halalt [REDACTED]' <[REDACTED]>; 'reception@lyackson.bc.ca' <reception@lyackson.bc.ca>; [REDACTED] >; 'reception@pauquachin.com' <reception@pauquachin.com>; [REDACTED] [REDACTED] [REDACTED] [REDACTED]; 'reception@tsartlip.com' <reception@tsartlip.com>; 'I [REDACTED] [REDACTED] >; [REDACTED] [REDACTED] >; [REDACTED]

Cc: Jas Chonk <jchonk@islandstrust.bc.ca>; Kim Stockdill <kstockdill@islandstrust.bc.ca>

Subject: North Pender Island Local Trust Committee Referral of Proposed Bylaw No. 222 - For Response

Dear Referral Coordinator,

The North Pender Local Trust Committee (LTC) has asked that its proposed bylaw (Bylaw No.222, attached) cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2020” be referred to you for comment.

Purpose: The North Pender Island Local Trust Committee (LTC) is reviewing the Temporary Use Permit (TUP) guidelines for Short Term Vacation Rentals (STVRs) as part of the LTC’s Top Priority Project. The LTC is now proposing to amend the TUP section in the North Pender Island Official Community Plan (OCP) Bylaw No. 171, 2007 (OCP) in order to amend and add new STVR TUP guidelines.

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/north-pender/projects-initiatives/np-stvr-review-project/>

A reply is respectfully requested by **Monday December 21th, 2020**.

We understand that there are numerous demands on your time, however, we genuinely welcome any comments or questions you may have.

Should you have any questions, or require further information, please contact Planner Kim Stockdill at kstockdill@islandstrust.bc.ca or 250-405-5157.

Please direct referral responses to southinfo@islandstrust.bc.ca

Or by mail to: Islands Trust, Victoria Head Office – 200-1627 Fort Street, Victoria BC V8R 1H8.

Thank you for your time and attention to this matter.

Yours truly,

Maple Hung (On behalf of Jas Chonk, Legislative Clerk)

Maple Hung

Planning Team Assistant
Islands Trust – 200-1627 Fort St.
Victoria BC, V8R 1H8
Phone: 250-405-5163
Enquiry BC Toll-free call 1-800-663-7867 or from lower mainland 604-660-2421

Websites: www.islandstrust.bc.ca www.islandstrustconservancy.bc.ca
*Preserving *Island* communities, culture and environment since 1974*



Please consider the environment before printing this email

From: Maple Hung

Sent: Friday, November 13, 2020 8:55 AM

To: 'Kris.Nichols@gov.bc.ca' <Kris.Nichols@gov.bc.ca>; 'jstarke@crd.bc.ca' <jstarke@crd.bc.ca>; Bylaw Enforcement <bylawenforcement@islandstrust.bc.ca>; 'ccondron@crd.bc.ca' <ccondron@crd.bc.ca>; 'cathie.mcintyre@bcassessment.ca' <cathie.mcintyre@bcassessment.ca>; 'binspection@crd.bc.ca' <binspection@crd.bc.ca>; Daniela Murphy <dmurphy@islandstrust.bc.ca>; [REDACTED]

Cc: Jas Chonk <jchonk@islandstrust.bc.ca>; Kim Stockdill <kstockdill@islandstrust.bc.ca>; 'jarnet@crd.bc.ca' <jarnet@crd.bc.ca>

Subject: North Pender Island Local Trust Committee Referral of Proposed Bylaw No. 222

Dear Referral Coordinator,

The North Pender Local Trust Committee (LTC) has asked that its proposed bylaw (Bylaw No.222, attached) cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2020” be referred to you for comment.

Purpose: The North Pender Island Local Trust Committee (LTC) is reviewing the Temporary Use Permit (TUP) guidelines for Short Term Vacation Rentals (STVRs) as part of the LTC’s Top Priority Project. The LTC is now proposing to amend the TUP section in the North Pender Island Official Community Plan (OCP) Bylaw No. 171, 2007 (OCP) in order to amend and add new STVR TUP guidelines.

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A reply is respectfully requested by **Monday December 14th, 2020.**

We understand that there are numerous demands on your time, however, we genuinely welcome any comments or questions you may have.

Should you have any questions, or require further information, please contact Planner Kim Stockdill at kstockdill@islandstrust.bc.ca or 250-405-5157.

Please direct referral responses to southinfo@islandstrust.bc.ca

Or by mail to: Islands Trust, Victoria Head Office – 200-1627 Fort Street, Victoria BC V8R 1H8.

Thank you for your time and attention to this matter.

Yours truly,

Maple Hung (On behalf of Jas Chonk, Legislative Clerk)

Maple Hung
Planning Team Assistant

Islands Trust – 200-1627 Fort St.

Victoria BC, V8R 1H8

Phone: 250-405-5163

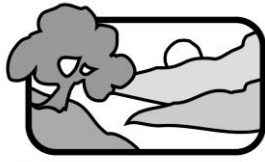
Enquiry BC Toll-free call 1-800-663-7867 or from lower mainland 604-660-2421

Websites: www.islandstrust.bc.ca www.islandstrustconservancy.bc.ca

Preserving Island communities, culture and environment since 1974



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Islands Trust

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: North Pender Island Local Trust Area Bylaw No.: 222 Date: November 4, 2020

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 North Pender Island Local Trust Committee (LTC) is reviewing the Temporary Use Permit (TUP) guidelines for Short Term Vacation Rentals (STVRs) as part of the LTC's Top Priority Project. The LTC is now proposing to amend the TUP section in the North Pender Island Official Community Plan (OCP) Bylaw No. 171, 2007 (OCP) in order to amend and add new STVR TUP guidelines.

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/north-pender/projects-initiatives/np-stvr-review-project/>

GENERAL LOCATION:

North 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

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
Magic Lake Property Owners Society
Razor Point Improvement District
Trincomali Water Improvement District

Regional Agencies

Capital Regional District – Building Inspection
Capital Regional District – Magic Lake Water & Sewer Committee

Adjacent Local Trust Committees and Municipalities

Mayne Island Local Trust Committee
Saturna Island Local Trust Committee
South Pender Island Local Trust Committee
Salt Spring 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

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

North Pender Island Local Trust Area

(Island)

222

(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency)

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 222

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

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

1. CITATION

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

2. SCHEDULES

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

3. SEVERABILITY

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

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

CHAIR

SECRETARY

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

SCHEDULE 1

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

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

“PART 6 TEMPORARY USE PERMITS

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

Temporary Use Permit Policies and Guidelines

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

- 6.4.4 The Local Trust Committee should not approve more than one short term vacation rental temporary use permit within a 200 metre radius from another short term vacation rental temporary use permit.
- 6.4.5 The applicant should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use.
- 6.4.6 If the property is serviced by a private well, the applicant must demonstrate the well has adequate quality and quantity of water for the short term vacation use. A pump test, professional report, or rainwater system may be required for the application or as a condition of the permit.
- 6.4.7 If the property is serviced by a community water system, the application should be referred to the water system for information.
- 6.4.8 A short term vacation rental temporary use permit should not be issued if located within the Trincomali Improvement District.
- 6.4.9 The applicant should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles.
- 6.4.10 If the proposal is located on a property identified as containing a sensitive ecosystem, the temporary use permit should require that the applicant provide information for guests indicating the location of the sensitive areas, and information on how to avoid impacting the sensitive features.
- 6.4.11 The temporary use permit should restrict advertising to one unilluminated sign, with a maximum area of 0.6 m².
- 6.4.12 The temporary use permit should require that the owner or other designated contact be available on North or South Pender Island by telephone or email at all times when the short term vacation rental is in use.
- 6.4.13 The temporary permit should require the owner or manager provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number and email, and a copy of the temporary use permit.
- 6.4.14 The permit should require the applicant post the following information for guests:
 - a) remind guests that the property is located in a residential area;
 - b) information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted);
 - c) emergency services contact information, and to provide a means for contacting them if the property is located in an area with no cellular service; and

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

6.4.15 In addition to any other conditions the Local Trust Committee may consider appropriate, in some situations the permit may:

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

6.4.16 A temporary use permit for a short term vacation rental on a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.

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

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

Referrals: Bylaw NP-222

Agency	Sent	Received
BC Assessment Authority <i>Policy, Audit and Legal Services: Cathie McIntyre</i>	13-Nov-2020	
Capital Regional District - All Referrals Christine Condron <i>625 Fisgard Street: Christine Condron</i> <i>Comment: The CRD responded with 'Approval recommended for reasons outlined'. Including: particularly for suites, Building Permit and Occupancy approval from the CRD Building Inspection Dept. is required. There are a considerable amount of secondary suites, and cottages and houses that are without final occupancy approval for one reason or another. *see attached document for more details*</i>	13-Nov-2020	11-Dec-2020
Capital Regional District Planning & Protective Services <i>Building Inspection Division Headquarters: Robert Gutierrez</i> <i>Comment: M. Taylor Manager Chief Building Inspector responded with: particularly for suites, Building Permit and Occupancy approval from the CRD Building Inspection Dept. is required. There are a considerable amount of secondary suites, and cottages and houses that are without final occupancy approval for one reason or another. (Provided an attachment of more explanation re: Integrated Water Services & Planning & Protective Services.)</i>	13-Nov-2020	21-Jan-2021
Capital Regional District, Justine Starke, Manager, Southern Gulf Islands Service Delivery <i>Capital Regional District: Justine Starke</i>	13-Nov-2020	
Cowichan Tribes <i>Chief and Council: Candace Charlie</i> <i>Comment: Cowichan Tribes responded to say they have no comments.</i>	13-Nov-2020	26-Nov-2020
Halalt First Nation <i>7973 Chemainus Rd: Raven August</i> <i>Comment:</i>	13-Nov-2020	
Halalt First Nation <i>Chief and Council: Jack Smith</i> <i>Comment: Halalt FN - responded by saying "no comments".</i>	13-Nov-2020	18-Nov-2020
Islands Trust, Bylaw Enforcement <i>200 - 1627 Fort Street: Warren Dingman</i>	13-Nov-2020	
Lake Cowichan First Nation <i>313B Deer Road: Carole Livingstone</i> <i>Comment:</i>	13-Nov-2020	
Lyackson First Nation <i>7973A Chemainus Road: Linda Aidnell</i>	13-Nov-2020	08-Dec-2020



Referrals: Bylaw NP-222

Agency	Sent	Received
<i>Comment:</i> Lyackson First Nation defers to those First Nations' whose title and governing authorities are directly affected. By deferring this referral to another local First Nation, Lyackson First Nation in no way surrenders its current rights and title claims.		
Magic Lake Estates Water & Sewer Local Services Committee 479 Island Highway: Ted Robbins	13-Nov-2020	
Malahat First Nation 110 Thunder Road, RR4: Heather Adams <i>Comment:</i>	13-Nov-2020	
Mayne Island Local Trust Committee Islands Trust: Jas Chonk <i>Comment:</i> Interests Unaffected.	13-Nov-2020	30-Nov-2020
Ministry of Municipal Affairs and Housing Planning and Land Use Management: Kris Nichols	13-Nov-2020	
Pauquachin First Nation 9010 West Saanich Road: Darlene Henry <i>Comment:</i>	13-Nov-2020	
Penelakut Tribe Box 360: Denise James <i>Comment:</i> No Comment Received	13-Nov-2020	
Razor Point Improvement District 6612A Harbour Hill Road: Lynda Challis	13-Nov-2020	
Salt Spring Island Local Trust Committee 1 - 500 Lower Ganges Road: Peter Luckham <i>Comment:</i> Interests unaffected.	13-Nov-2020	16-Dec-2020
Saturna Island Local Trust Committee 200 - 1627 Fort Street: Jas Chonk	13-Nov-2020	
Semiahmoo First Nation 16049 Beach Rd: Chief & Council <i>Comment:</i>	13-Nov-2020	
South Pender Island Local Trust Committee 200 - 1627 Fort Street: Jas Chonk <i>Comment:</i> Comments: Interests Unaffected	13-Nov-2020	29-Jan-2021
Trincomali Improvement District	13-Nov-2020	07-Dec-2020

Referrals: Bylaw NP-222

Agency	Sent	Received
<i>7903 Trincoma Place: Mel MacDonald</i> <i>Comment: TID responded with: "Approval Recommended" but could have, in the alternative, responded "Interests Unaffected" due to the inclusion of the exception for TID under Part 6.4.8. The TID highlights that the clause excluding Trincomali Improvement District from vacation rental use was the reason they find the bylaw acceptable.</i>		
Tsartlip First Nation <i>PO Box 70: Karen Harry</i> <i>Comment:</i>	13-Nov-2020	
Tsawout First Nation <i>Box 121: Cathy Webster</i> <i>Comment:</i>	13-Nov-2020	
Tsawwassen First Nation <i>1926 Tsawwassen Drive: Victoria Williams</i> <i>Comment:</i>	13-Nov-2020	
Tseycum First Nation <i>1210 Totem Lane: Chief Tanya Jimmy</i> <i>Comment:</i>	13-Nov-2020	

Planner Stockdill noted the receipt of a report with recommendations from the North Pender Island Special Agricultural Advisory Commission.

NP-2021-013

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request staff to report back with a review of the recommendations made in the Special Agricultural Advisory Commission report dated January 4, 2021.

CARRIED

Planner Stockdill provided an overview of the communication strategies employed to date and opportunities for future communications, including optimal timing for considering mailouts.

NP-2021-014

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request staff to schedule a Special Meeting to discuss appropriate Land Use Bylaw Review topics.

CARRIED

13.2 STVR Review Project – Staff Memo

Planner Stockdill provided an overview of the staff memo, including the history of the project and correspondence received to date.

A discussion of the STVR review project was held, including the following topics:

- Requirement of regular occupancy and consideration of the term “principal residence” or other regulations related to “regular connection” to the island.
- Strategies for addressing the radius within which multiple STVRs are being approved
- Allowance of secondary suites to be rented as STVRs.
- Limitations on the number of days that a property is rented.
- Importance of including wild fire safety and outdoor burning in the required communications to tenant.
- Capping the total number of STVRs within the Magic Lake Estates area.

NP-2021-015

It was Moved and Seconded,

that the North Pender Island direct that item 6.4.17, “A temporary use permit may be issued for a short-term vacation rental within a secondary suite,” be removed from the proposed Bylaw 222.

CARRIED

NP-2021-016

It was Moved and Seconded,

that the North Pender Island direct that item 6.4.4 “The Local Trust Committee should not approve more than one short term vacation rental temporary use permit within a 200 metre radius from another short term vacation rental temporary use permit,” be removed from Bylaw 222.

DEFEATED

NP-2021-017

It was Moved and Seconded,

that the North Pender Island Local Trust Committee should not approve more than twenty temporary use permits for short term vacation rentals located within the Magic Lake Estates Water System Area.

CARRIED

NP-2021-018

It was Moved and Seconded,

that the NP LTC direct to staff to amend 6.4.14b to add “information on wild fire safety and outdoor fire burning”.

CARRIED

NP-2021-019

It was Moved and Seconded,

that the North Pender Island Local Trust Committee add section 6.4.19, “A Short Term Vacation Permit Temporary Use Permit TUP should not be issued in a dwelling or cottage that does not have occupancy permit approval”

CARRIED

Note: The LTC returned, as agreed by consensus, to discussion of Item 12.2 NP-TUP-2020.7 (Hepburn)

A discussion was held which included the following points

- Management of vehicle density.
- Management of STVR density in the area and consideration of limiting the permit’s valid timeframe to provide an opportunity for the LTC to consider all STVRs in the area at the same time.
- Inclusion of information to tenants regarding prevention of wild fires.

Planner Stockdill provided an overview of the staff report. She highlighted the items being considered and the opportunities for community participation that have been held previously and will be held in the future.

The LTC discussed the Staff Report including the following points:

- The value of the Community Information Meetings.
- Consideration of incentives for property owners to place covenants on their land instead of subdividing them for development.
- Protection of the contiguous nature of Coastal Douglas Fir zone.
- Benefits and challenges for applying Development Permit Areas (DPAs).
- Consideration of consultation with the Pender Islands Fire Department on the bylaws.
- Value of contacting neighbouring properties when consulting with property owners regarding the Industrial Regulation Review and the Tourist Commercial Regulation Review.
- Marine Shoreline Regulation opportunities and the policies in place in other jurisdictions.

NP-2020-053

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request staff to refer the Minor and Technical Amendments and the Industrial Regulation Review to the North Pender Island Advisory Planning Commission for comment.

CARRIED

It was noted that the Advisory Planning Commission will have a deadline of February 11, 2021.

13.2 Short Term Vacation Rental Review (STVR) - Staff Report

Planner Stockdill provided an overview of the staff report and associated recommendations.

A discussion was held, including the following points:

- Relationship of Short Term Vacation Rentals (STVRs) and tourism to strain on local resources
- Role of land use bylaws in managing tourism volume.
- Rental of secondary suites as STVRs
- Process for making further amendments

NP-2020-054

It was Moved and Seconded,

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

CARRIED

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 Short Term Vacation Rental Review - Staff Report

Planner Stockdill provided an overview of the staff report, the contents of the draft bylaw, and the temporary permit use guidelines included.

A discussion was held, including the following points:

- Recommendations for scheduling consultation and public comments;
- The inclusion of the 200 m radius limitation and the need for community feedback; and
- The history of Temporary Use Permits for Short Term Vacation Rentals.

NP-2020-051

It was Moved and Seconded,

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

CARRIED

NP-2020-052

It was Moved and Seconded,

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

CARRIED

13.2 Land Use Bylaw Review – Staff Memo

Planner Stockdill provided an overview of the staff memo, noting the recommendations for decisions regarding extending the deadline for written submission from the Special Agricultural Advisory Planning Commission to January 4, 2021 and scheduling of a joint South Pender and North Pender Community Information meeting regarding floor space.

There was general consensus that the deadline for the written submission from the Special Agricultural Advisory Planning Commission be extended to January 4, 2021.

NP-2020-053

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to schedule a community information meeting with the South Pender Island Local Trust Committee to be held via zoom in early January 2021.

CARRIED

A discussion of the referral was held, including its impact on North Pender Island and the importance of working nation to nation.

NP-2020-039

It was Moved and Seconded,

that the North Pender Island Local Trust Committee respond to the referral for Saturna Island Local Trust Committee Bylaw No. 132 with “interests affected” and a request for collaborative discussion on the issue.

CARRIED

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 STVR Project Review - Staff Report

Planner Stockdill provided an overview of the staff report and related recommendations.

The LTC requested and received information on the following points:

- Consistency of the recommendations with the work completed in other Local Trust areas;
- Bylaw relevance for STVR’s being operated as home-based businesses;
- Value of recommendations for mitigating cumulative impact of STVRs on an area and increasing the radius of restrictions;
- Removing restriction on operating secondary suites as STVRs;
- Enforcement issues of limiting the number of occupants to six;
- Opportunity to limit STVRs to the months of October-April;
- Bylaw enforcement resources required to enforce restrictions;
- Notification policies including application posting on property and increase of radius of properties notified; and
- Limitations for inclusion of Business Licencing requirements.

NP-2020-040

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request staff to prepare a draft Official Community Plan Amendment Bylaw for the Short Term Vacation Rental Review project in accordance with the staff report dated September 10, 2020 and include the amendments as discussed.

CARRIED

13.2 Update on Southern Gulf Islands Groundwater Sustainability Strategy - Staff Memo

RPM Kojima provided an overview of the report.

The LTC expressed concern with the timeline for this project and the resultant challenges that will be faced in applying this mapping resource to the Land Use Bylaw review.

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 Land Use Bylaw Review

RPM Kojima provided an overview of the three discussion papers. He offered an overview of the process moving forward.

13.1.1 Tourist Commercial Zoning

A discussion of the report was held, including the history of the commercial zoning process and its impact on the current state of zoning.

13.1.2 Agricultural Zoning

The LTC requested and received information on tourism in the agricultural zone and the associated regulations of the Agricultural Land Commission.

A discussion was held regarding the scope of the LUB Review and whether review of the ALR map should be included. The discussion included highlighting opportunities and challenges of encouraging local farming.

13.1.3 Conservation Subdivision Regulations

The LTC requested and received a rationale from staff regarding the report's recommendation.

13.2 Short Term Vacation Rentals Review - Staff Report

Planner Chadwick provided an overview of the staff report and outlined rationales for the recommendations.

A discussion was held regarding a community request that Short Term Vacation Rentals (STVRs) be closed in support of the COVID19 response. Staff provided an overview of the options available to the LTC.

The LTC requested and received information on the data and data gaps regarding the number of unregulated STVRs on the island. Further discussion was held about initiating proactive bylaw enforcement when unregulated STVRs are identified.

NP-2020-031

It was Moved and Seconded,

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

CARRIED

NP-2020-032

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request that staff revise the project charter to reflect the change in approach

CARRIED

A discussion of the motion was held including the following points:

- The long-term plan for the property;
- Options for amending zoning and removing industrial uses as part of an overall land use review; and
- Community planning options for industrial lands.

The applicant provided information to the LTC about their operation and their plans for the property.

The question on the motion was then called,

CARRIED

Trustee McConchie Opposed

NP-2020-005

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to request that the applicant submit to the Islands Trust further information including, but not limited to, a professional baseline environmental assessment of the site including analysis of potential impacts of the use, recommendations for mitigation, and a management plan.

CARRIED

Trustee McConchie Opposed

12.4 Salt Spring Island Local Trust Committee Bylaw 471 Referral

Chair Patrick provided an overview of the referral.

No formal response was made.

12.5 Salt Spring Island Local Trust Committee Bylaw 518 Referral

Chair Patrick provided an overview of the referral.

No formal response was made.

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 Short Term Vacation Rental Review - Staff Report

RPM Kojima provided an overview of the staff report and the response received from the Advisory Planning Commission on the matter.

NP-2020-006

It was Moved and Seconded,

that the North Pender Island Local Trust Committee adopt the proposed project charter for the North Pender Island STVR Review.

CARRIED

NP-2020-007

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request staff to initiate public engagement related to Short Term Vacation Rental policy review.

CARRIED

NP-2020-008

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request staff to develop an online survey to gather feedback on STVR policy.

CARRIED

13.2 OCP Implementation Project Options - Staff Report

RPM Kojima provided an overview of the staff report, the associated recommendations, and the process for the project moving forward.

The LTC held a discussion, with input from staff, regarding the scope of the project and the involvement of other community groups.

A discussion of a potential Development Permit Area project was held and it was noted that the project is currently listed on the LTC's project list.

Information was requested and received regarding the budget.

NP-2020-009

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve the Official Community Plan Implementation project charter dated January 30, 2020.

CARRIED

14. REPORTS

14.1 Work Program Report

14.1.1 Top Priorities Report Dated January 2020

A discussion was held regarding Trust Council policies, resource allocation, and the strategic plan.

14.1.2 Projects List Report Dated January 2020

Received for information

A discussion of bylaw compliance was held.

NP-2019-106

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to return with a report on how to strengthen bylaw compliance options related to use.

CARRIED

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 Short Term Vacation Rental Review

RPM Kojima provided an overview of the report and highlighted the options available to the LTC.

Trustees made remarks on the rationale of the project:

NP-2019-107

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct the North Pender Island Advisory Planning Commission to review the Short Term Vacation Rental Report and provide comments and direction for the January 2020 meeting.

CARRIED

By general consent it was agreed that the Advisory Planning Commission (APC) be asked to also:

- Discuss the cumulative effects of STVRs;
- Provide guidance on why a more or less extensive review may be needed relative to what has already been done; and
- Share back the details of diverging opinions in addition to consensus.

13.2 Official Community Plan Implementation Project

RPM Kojima provided an overview of the report and highlighted the significant recommended amendments.

Trustees discussed the process, challenges, and benefits of a review of the Land Use Bylaw (LUB).

NP-2019-108

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to draw up a project charter for a full Land Use Bylaw review and make it a top priority for the Local Trust Committee.

CARRIED

DATE OF MEETING: January 28, 2021
TO: North Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: NP STVR Project - Update

PURPOSE

The purpose of this staff memo is to provide the North Pender Local Trust Committee (LTC) with an update on the Short Term Vacation Rental (STVR) Project.

BACKGROUND

At the October 29, 2020 LTC meeting the LTC gave First Reading to proposed Bylaw No. 222 (bylaw attached) and determined that the proposed bylaw was not contrary or at variance with the Islands Trust Policy Statement. The LTC passed then following resolution at the November 29, 2020 LTC meeting:

NP-2020-054

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

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

ANALYSIS

Proposed Bylaw No. 222

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

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

Referrals

Referrals were sent out in November 2020 to the list of agencies and First Nations outlined in the October 29, 2020 staff report. To date, we have received a number of responses – see the attached Referral Report. Any further comments received will be circulated to the LTC and will be included in the Public Hearing binder.

The Capital Regional District (CRD) provided the following comments on the proposed bylaw:

Approval recommend subject to conditions:

CRD Integrated Water Services - *Currently, the Magic Lake Estates wastewater system is at its capacity (particularly during the winter months due to inflow and infiltration), but if the Short Term Vacation Rental (STVR) is not discharging more wastewater than what can be reasonably expected from a rural residential property, then the wastewater system should not see any overall increased demand. So, the TUP should require STVR's to confirm that the number of occupants and the volume of wastewater discharge shall not exceed what can be reasonably expected from an existing rural residential property use.*

CRD Planning & Protective Services - *Building Inspection Department: Approval recommended only for dwelling units, secondary suites, or cottages with Occupancy Permit approval.*

The proposed bylaw includes a guideline that limits the number of guests to six for properties located within Magic Lake Estates Water System. As all properties located within the wastewater service area are also located within the water service area, the restriction to limit the number of guests to 6 would currently apply to those properties located within the CRD wastewater system.

If the LTC agrees to address comments made by the CRD Building Inspection Department, the LTC could make an amendment to the proposed bylaw that would add a new TUP guideline as follows:

“6.4.19 A short term vacation rental temporary use permit should not be issued in a dwelling, cottage, or secondary suite that does not have Occupancy Permit approval.”

Adding this guideline would clearly demonstrate clear intent from the LTC that it would not support a STVR TUP in a building without proper CRD approvals. The applicant would then need to include the Occupancy Permit with the TUP application.

Alternatively, the North Pender [“Temporary Use Permit Applications for Short Term Vacation Rentals Development Approval Information \(DAI\) Checklist”](#) could be updated when the bylaw is adopted to add a requirement that the applicant must provide occupancy permit for the dwelling unit, suite, or cottage used as a STVR. This is a straightforward administrative action. This option would not require an amendment to the proposed bylaw, nor would it require a resolution from the LTC. It could result in an applicant still applying for a STVR TUP even if an Occupancy Permit was never received and therefore the LTC would have to decide to approve or not approve the TUP based on the application’s merits and rationale at a LTC meeting.

Bylaw Amendments

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. The LTC stated at the November 26, 2020 meeting that it may make an amendment to the TUP guideline concerning summer rental limits, but would do so after the public hearing once they hear from the community. Staff will include a draft resolution to make amendments to the bylaw in the staff report presented at the next LTC meeting for the LTC’s consideration.

Public Hearing

In accordance with regular statutory requirements, a Public Hearing is required for any bylaw amendment. A Public Hearing for proposed Bylaw No. 222 is scheduled to be held at the regular LTC meeting on February 25, 2021. A Community Information Meeting will be held on the same date prior to the Public Hearing.

NEXT STEPS

A Community Information Meeting and Public Hearing will be scheduled for the February 25, 2021 LTC meeting.

Submitted By:	Kim Stockdill, Island Planner	January 18, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	January 18, 2021

ATTACHMENTS

1. Proposed Bylaw No. 222
2. Referral Report - dated January 21, 2021
3. CRD Referral Response

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 222

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

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

1. CITATION

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

2. SCHEDULES

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

3. SEVERABILITY

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

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

CHAIR

SECRETARY

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

SCHEDULE 1

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

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

“PART 6 TEMPORARY USE PERMITS

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

Temporary Use Permit Policies and Guidelines

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

- 6.4.4 The Local Trust Committee should not approve more than one short term vacation rental temporary use permit within a 200 metre radius from another short term vacation rental temporary use permit.
- 6.4.5 The applicant should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use.
- 6.4.6 If the property is serviced by a private well, the applicant must demonstrate the well has adequate quality and quantity of water for the short term vacation use. A pump test, professional report, or rainwater system may be required for the application or as a condition of the permit.
- 6.4.7 If the property is serviced by a community water system, the application should be referred to the water system for information.
- 6.4.8 A short term vacation rental temporary use permit should not be issued if located within the Trincomali Improvement District.
- 6.4.9 The applicant should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles.
- 6.4.10 If the proposal is located on a property identified as containing a sensitive ecosystem, the temporary use permit should require that the applicant provide information for guests indicating the location of the sensitive areas, and information on how to avoid impacting the sensitive features.
- 6.4.11 The temporary use permit should restrict advertising to one unilluminated sign, with a maximum area of 0.6 m².
- 6.4.12 The temporary use permit should require that the owner or other designated contact be available on North or South Pender Island by telephone or email at all times when the short term vacation rental is in use.
- 6.4.13 The temporary permit should require the owner or manager provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number and email, and a copy of the temporary use permit.
- 6.4.14 The permit should require the applicant post the following information for guests:
- a) remind guests that the property is located in a residential area;
 - b) information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted);
 - c) emergency services contact information, and to provide a means for contacting them if the property is located in an area with no cellular service; and

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

6.4.15 In addition to any other conditions the Local Trust Committee may consider appropriate, in some situations the permit may:

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

6.4.16 A temporary use permit for a short term vacation rental on a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.

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

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

Referrals: Bylaw NP-222

Agency	Sent	Received
BC Assessment Authority <i>Policy, Audit and Legal Services: Cathie McIntyre</i>	13-Nov-2020	
Capital Regional District - All Referrals Christine Condron <i>625 Fisgard Street: Christine Condron</i> <i>Comment: The CRD responded with 'Approval recommended for reasons outlined' * See attached response with additional comments under Planning & Projective Services & Integrated Water Services*</i>	13-Nov-2020	11-Dec-2020
Capital Regional District Planning & Protective Services <i>Building Inspection Division Headquarters: Robert Gutierrez</i> <i>Comment: M. Taylor Manager Chief Building Inspector responded with: particularly for suites, Building Permit and Occupancy approval from the CRD Building Inspection Dept. is required. There are a considerable amount of secondary suites, and cottages and houses that are without final occupancy approval for one reason or another. (Provided an attachment of more explanation re: Integrated Water Services & Planning & Protective Services.)</i>	13-Nov-2020	21-Jan-2021
Capital Regional District, Justine Starke, Manager, Southern Gulf Islands Service Delivery <i>Capital Regional District: Justine Starke</i>	13-Nov-2020	
Cowichan Tribes <i>Chief and Council: Candace Charlie</i> <i>Comment: Cowichan Tribes responded to say they have no comments.</i>	13-Nov-2020	26-Nov-2020
Halalt First Nation <i>7973 Chemainus Rd: Raven August</i> <i>Comment:</i>	13-Nov-2020	
Halalt First Nation <i>Chief and Council: Jack Smith</i> <i>Comment: Halalt FN - responded by saying "no comments".</i>	13-Nov-2020	18-Nov-2020
Islands Trust, Bylaw Enforcement <i>200 - 1627 Fort Street: Warren Dingman</i>	13-Nov-2020	
Lake Cowichan First Nation <i>313B Deer Road: Carole Livingstone</i> <i>Comment:</i>	13-Nov-2020	
Lyackson First Nation <i>7973A Chemainus Road: Linda Aidnell</i> <i>Comment: Lyackson First Nation defers to those First Nations' whose title and governing authorities are directly affected. By deferring this referral to another local First Nation, Lyackson First Nation in no way surrenders its current rights and title claims.</i>	13-Nov-2020	08-Dec-2020

Referrals: Bylaw NP-222

Agency	Sent	Received
Magic Lake Estates Water & Sewer Local Services Committee 479 Island Highway: Ted Robbins	13-Nov-2020	
Malahat First Nation 110 Thunder Road, RR4: Heather Adams <i>Comment:</i>	13-Nov-2020	
Mayne Island Local Trust Committee Islands Trust: Jas Chonk <i>Comment:</i> Interests Unaffected.	13-Nov-2020	30-Nov-2020
Ministry of Municipal Affairs and Housing Planning and Land Use Management: Kris Nichols	13-Nov-2020	
Pauquachin First Nation 9010 West Saanich Road: Darlene Henry <i>Comment:</i> No Comment Received	13-Nov-2020	
Penelakut Tribe Box 360: Denise James <i>Comment:</i> No Comment Received	13-Nov-2020	
Razor Point Improvement District 6612A Harbour Hill Road: Lynda Challis	13-Nov-2020	
Salt Spring Island Local Trust Committee 1 - 500 Lower Ganges Road: Peter Luckham <i>Comment:</i> Interests unaffected.	13-Nov-2020	16-Dec-2020
Saturna Island Local Trust Committee 200 - 1627 Fort Street: Jas Chonk	13-Nov-2020	
Semiahmoo First Nation 16049 Beach Rd: Chief & Council <i>Comment:</i>	13-Nov-2020	
South Pender Island Local Trust Committee 200 - 1627 Fort Street: Jas Chonk	13-Nov-2020	
Trincomali Improvement District 7903 Trincoma Place: Mel MacDonald	13-Nov-2020	04-Dec-2020

Referrals: Bylaw NP-222

Agency	Sent	Received
<i>Comment:</i> TID responded with: "Approval Recommended" but could have, in the alternative, responded "Interests Unaffected" due to the inclusion of the exception for TID under Part 6.4.8. The TID highlights that the clause excluding Trincomali Improvement District from vacation rental use was the reason they find the bylaw acceptable.		
Tsartlip First Nation <i>PO Box 70: Karen Harry</i> <i>Comment:</i>	13-Nov-2020	
Tsawout First Nation <i>Box 121: Cathy Webster</i> <i>Comment:</i>	13-Nov-2020	
Tsawwassen First Nation <i>1926 Tsawwassen Drive: Victoria Williams</i> <i>Comment:</i>	13-Nov-2020	
Tseycum First Nation <i>1210 Totem Lane: Chief Tanya Jimmy</i> <i>Comment:</i>	13-Nov-2020	

CRD Staff Referral Response Form

Referral No.:

	Interests Unaffected	Approval recommended for reasons outlined	Approval recommended subject to conditions	Approval <i>not</i> recommended due to reasons outlined	Comments
Executive Services	☐	☐	☐	☐	
Finance & Technology	☐	☐	☐	☐	
Integrated Water Services	☐	☐	☒	☐	Currently, the Magic Lake Estates wastewater system is at its capacity (particularly during the winter months due to inflow and infiltration), but if the Short Term Vacation Rental (STVR) is not discharging more wastewater than what can be reasonably expected from a rural residential property, then the wastewater system should not see any overall increased demand. So, the TUP should require STVR’s to confirm that the number of occupants and the volume of wastewater discharge shall not exceed what can be reasonably expected from an existing rural residential property use.
Legislative Services	☐	☐	☐	☐	
Parks & Environmental Services	☐	☐	☐	☐	
Planning & Protective Services	☐	☐	☒	☐	Building Inspection Dept. Approval recommended only for dwelling units, secondary suites, or cottages with Occupancy Permit approval.

DATE OF MEETING: November 26, 2020
TO: North Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: NP STVR Review – Second Reading & CIM/Public Hearing Scheduling

RECOMMENDATION

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

REPORT SUMMARY

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

BACKGROUND

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

NP-2020-049

It was Moved and Seconded,

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

NP-2020-050

It was Moved and Seconded,

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

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

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

ANALYSIS

Proposed Bylaw No. 222

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

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

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

Consultation

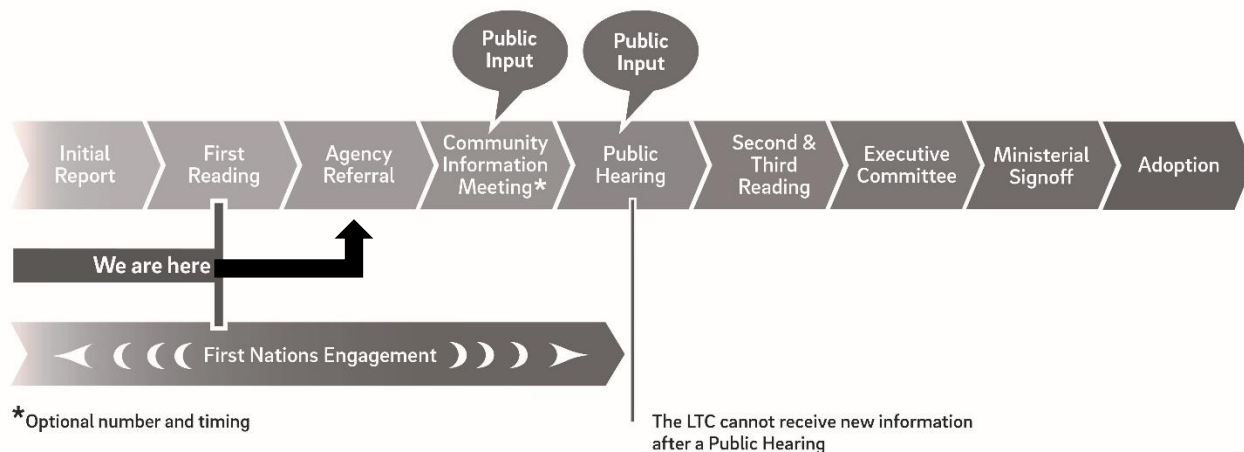
Staff have referred Bylaw No. 222 to the agencies and First Nations outlined in the October 29, 2020 staff report. At the time of writing this report, no responses from agencies or First Nations have been received. All comments received will be forwarded to the North Pender LTC and will be included in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

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

Timeline

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

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



Statutory Requirements

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

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

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

Rationale for Recommendation

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

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

ALTERNATIVES

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

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

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

Resolution:

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

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

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

Resolution:

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

3. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

Resolution:

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

4. Receive for information

The LTC may receive the report for information.

NEXT STEPS

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

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

Attachment:

1. Proposed Bylaw No. 222

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 222

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

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

1. CITATION

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

2. SCHEDULES

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

3. SEVERABILITY

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

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

CHAIR

SECRETARY

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

SCHEDULE 1

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

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

“PART 6 TEMPORARY USE PERMITS

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

Temporary Use Permit Policies and Guidelines

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

- 6.4.4 The Local Trust Committee should not approve more than one short term vacation rental temporary use permit within a 200 metre radius from another short term vacation rental temporary use permit.
- 6.4.5 The applicant should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use.
- 6.4.6 If the property is serviced by a private well, the applicant must demonstrate the well has adequate quality and quantity of water for the short term vacation use. A pump test, professional report, or rainwater system may be required for the application or as a condition of the permit.
- 6.4.7 If the property is serviced by a community water system, the application should be referred to the water system for information.
- 6.4.8 A short term vacation rental temporary use permit should not be issued if located within the Trincomali Improvement District.
- 6.4.9 The applicant should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles.
- 6.4.10 If the proposal is located on a property identified as containing a sensitive ecosystem, the temporary use permit should require that the applicant provide information for guests indicating the location of the sensitive areas, and information on how to avoid impacting the sensitive features.
- 6.4.11 The temporary use permit should restrict advertising to one unilluminated sign, with a maximum area of 0.6 m².
- 6.4.12 The temporary use permit should require that the owner or other designated contact be available on North or South Pender Island by telephone or email at all times when the short term vacation rental is in use.
- 6.4.13 The temporary permit should require the owner or manager provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number and email, and a copy of the temporary use permit.
- 6.4.14 The permit should require the applicant post the following information for guests:
- a) remind guests that the property is located in a residential area;
 - b) information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted);
 - c) emergency services contact information, and to provide a means for contacting them if the property is located in an area with no cellular service; and

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

6.4.15 In addition to any other conditions the Local Trust Committee may consider appropriate, in some situations the permit may:

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

6.4.16 A temporary use permit for a short term vacation rental on a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.

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

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

DATE OF MEETING: October 29, 2020
TO: North Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: NP STVR Review – TUP Guideline Amendments

RECOMMENDATION

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

REPORT SUMMARY

The purpose of this report is to provide a draft bylaw for the North Pender Island Local Trust Committee (LTC) to consider in order to amend the Temporary Use Permit (TUP) guidelines for Short Term Vacation Rentals (STVRs) as part of the LTC Top Priority Project – STVR Review. The draft bylaw is attached (Attachment No. 1) for the LTC’s consideration and the Islands Trust Policy Statement is attached (Attachment No. 3) for the LTC’s review.

BACKGROUND

At the September 10, 2020 LTC regular meeting the North Pender Island, the following resolution was passed:

NP-2020-040

that the North Pender Island Local Trust Committee request staff to prepare a draft Official Community Plan Amendment Bylaw for the Short Term Vacation Rental Review project in accordance with the staff report dated September 10, 2020 and include the amendments as discussed.

The TUP amendments discussed at the September 10th LTC meeting included: restricting STVRs during May to September, permitting STVRs in secondary suites and limiting STVRs based on buffer areas (100 to 500 metres).

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

ANALYSIS

Draft Bylaw No. 222

At the previous LTC meeting on September 10, 2020 the LTC discussed potential amendments to the TUP section of the Official Community Plan for short term vacation rentals and requested staff to prepare a draft bylaw. Staff have drafted a bylaw which is attached to this staff report for the LTC's consideration. The draft bylaw includes amendments outlined in the staff report presented at the September 10th meeting and the amendments discussed during the meeting. Below is a discussion related to the three amendments discussed during that meeting: restricting STVRs during May to September, permitting STVRs in secondary suites and limiting STVRs based on buffer areas.

Limiting STVR use from May to September:

One of the topics discussed at the September meeting was the ability to limit the number of days a STVR could be in use in order to help reduce traffic, noise, and utility consumption. A suggestion of restricting the use of TUP STVRs from May 1 to September 30th was discussed by the LTC. Although this would help reduce some of the issues with STVRs, it would also impact the local economy which relies on summer tourism. It also provides another form of short term accommodation as other commercial guest accommodation options are often booked during the summer months.

Staff recommend limiting the number of days STVRs can operate in the summer months rather than restricting them outright. A TUP policy was added to section 6.4.15 (c) what states that a temporary use permit may:

- *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.*

This would be less onerous for bylaw enforcement to monitor and enforce limiting the number of days of STVR use within a four month period compared to a full year. If the LTC still wishes to proceed with restricting the use of STVRs during the summer months, the LTC can remove Section 6.4.15c in the draft bylaw and replace it with:

- *"not permit the use of short term vacation rentals from May 1 to September 30th in a calendar year."*

Use of STVR's in Secondary Suites:

The LTC also discussed using secondary suites as an option for STVR TUPs. The following are current policies found in the Official Community Plan and regulations in the Land Use Bylaw:

The Rural Residential, Rural, and Agriculture land use designations in the OCP all include the following policy:

- *Secondary suites may be permitted within principal dwellings with the intent of providing long term rental housing options for residents. A maximum of one secondary suite, limited in floor area, shall be permitted per lot.*

Residential policy in the OCP:

- *2.1H - Accessory housing options such as secondary suites may be permitted as a way to increase the stock of rental housing without negatively impacting the rural sense of place or the carrying capacity of the island.*

TUP Section in the OCP:

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

North Pender Land Use Bylaw (LUB):

- 3.18.6 - A secondary suite may not be used as a short term vacation rental or a bed and breakfast home business.

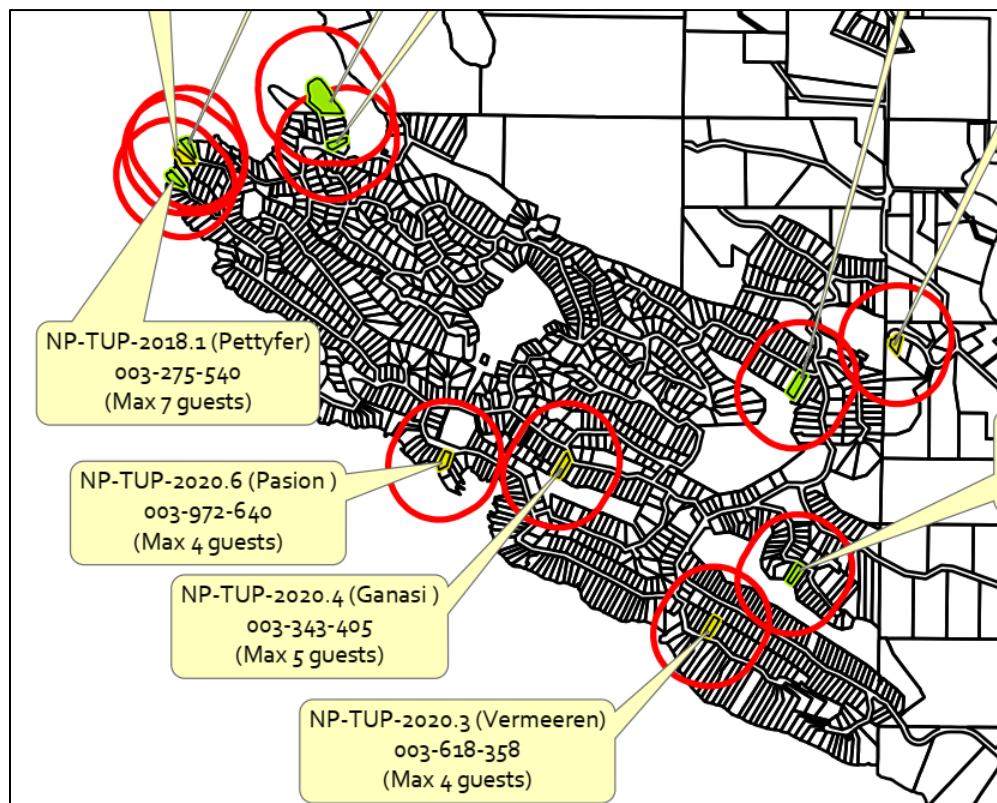
The North Pender OCP states that the intent of secondary suites on North Pender is to provide longer term housing options for residents. As secondary suites are a form of long term affordable housing rental, the LTC may want to consider if adding a TUP guideline that supports STVR use in secondary suites would be in contradiction to policies in the OCP. Staff have amended the TUP section to state that a temporary use permit may be issued for a STVR within a secondary suite as per direction from the LTC. If the LTC wishes to continue to restrict the use of TUP STVRs in secondary suites, the LTC would need to give direction to amend draft Bylaw No. 222 by removing Section 6.4.18 and replacing it with:

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

Cumulative Considerations:

Staff included a new TUP policy (6.4.4) 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. Staff have attached three maps showing 100 metre, 200 metre, and 500 metre buffers around current STVR TUPs. In the 200 metre buffer scenario, there is only one area that would not be in compliance with the proposed policy (far left grouping of three TUPs shown in Map 1.0). If the LTC proceeds with the new 200 metre policy, this policy would apply to new applications (not existing TUPs or TUP renewals).

Map 1.0 – 200 metre buffer



Consultation

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

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

First Nations

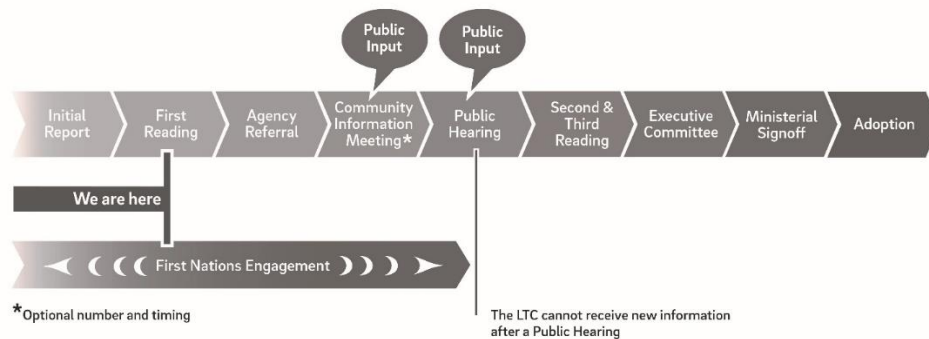
Draft Bylaw No. 222 would apply to applications that use the current footprint of an existing dwelling unit with no additional disturbance or impact to the lands or waters to ensure protection of any possible archaeological sites.

Timeline

The [project charter](#) provides the timeline for the project, but generally the process for 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. It is recommended that LTC not proceed with a CIM and public hearing until formal referrals are complete and second reading is given to allow for the draft bylaw to be in as final form as possible.

LTC could choose to schedule the CIM in conjunction with the public hearing, which would be a reasonable approach given the extension consultation undertaken to date and the proposed amendments are unlikely to raise significant community concerns or objections. Based on direction from LTC, staff will schedule a public hearing and CIM after second reading of the bylaw. If the proposed changes advance to public hearing, the public hearing notice would be posted as per statutory and bylaw requirements in advance of the public hearing.

The project is currently on schedule as the Project Charter's timeline includes a public hearing to be scheduled for February 2021. The LTC has the option to schedule a CIM and public hearing earlier for the January 2021 LTC meeting or as a special meeting in December 2020 or January 2021. If the LTC gives first reading to the bylaw at the October 29th meeting, staff will prepare a report for the November 26th LTC meeting summarizing referral comments, second reading, and options for CIM and public hearing dates.

Islands Trust Policy Statement

The draft bylaw amendment is 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 of the draft bylaw. The checklist will then be forwarded to the Executive Committee after Third Reading of the proposed bylaw.

Rationale for Recommendation

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

ALTERNATIVES

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

1. 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 North Pender Island Local Trust Committee amend draft Bylaw No. 222 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 North Pender Island Local Trust Committee request staff to provide further information on...

3. Schedule a public hearing and CIM prior to giving bylaw second reading.

The LTC may request that staff schedule a public and CIM prior to giving the bylaw second reading. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee direct staff to schedule a Community Information Meeting and Public Hearing for Bylaw No. 222.

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

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

That the North Pender Island Local Trust Committee request staff to refer the staff report dated October 29, 2020 regarding the Short Term Vacation Rental Review Project to the North Pender Island Advisory Planning Commission for comment.

5. Proceed no further

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

NEXT STEPS

Based on direction from the LTC, staff will:

- Proceed with bylaw referrals to First Nations and government agencies.
- Prepare report summarizing results of referrals and recommended next steps (November LTC meeting)

Submitted By:	Kim Stockdill Island Planner	October 19, 2020
Concurrence:	Robert Kojima, Regional Planning Manager	October 20, 2020

Attachments:

1. Draft Bylaw No. 222
2. Blackline version of draft Bylaw No. 222
3. Islands Trust Policy Statement
4. Buffer maps: 100m, 200m, and 500m

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

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

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

1. CITATION

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

2. SCHEDULES

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

3. SEVERABILITY

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

READ A FIRST TIME THIS _____ 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

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

SCHEDULE 1

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

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

"PART 6 TEMPORARY USE PERMITS

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

Temporary Use Permit Policies and Guidelines

- 6.1 The North Pender Island Local Trust Committee may issue temporary use permits for any area covered by this plan.
- 6.2 The Local Trust Committee may consider requiring development information for temporary use permit applications through adoption of a development approval information bylaw.
- 6.3 The Local Trust Committee should consider the climate change impacts of any significant change in use in reviewing temporary use permit applications.
- 6.4 In addition, the following guidelines apply when the Local Trust Committee is considering the issuance of a short term vacation rental temporary use permit:
 - 6.4.1 For the purpose of a temporary use permit, "short term vacation rental" means the use of a dwelling, cottage, or secondary suite as temporary commercial accommodation for a period of less than a month at a time by persons other than the owner or a permanent occupier.
 - 6.4.2 The Local Trust Committee may consider issuance of a short term vacation rental temporary use permit provided the short term vacation rental use would not alter the residential appearance of the residence.

- 6.4.3 The Local Trust Committee should consider the cumulative effects on the neighbourhood and Island of all temporary use permits issued for short term vacation rentals.
- 6.4.4 The Local Trust Committee should not approve more than one short term vacation rental temporary use permit within a 200 metre radius from another short term vacation rental temporary use permit.
- 6.4.5 The applicant should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use.
- 6.4.6 If the property is serviced by a private well, the applicant must demonstrate the well has adequate quality and quantity of water for the short term vacation use. A pump test, professional report, or rainwater system may be required for the application or as a condition of the permit.
- 6.4.7 If the property is serviced by a community water system, the application should be referred to the water system for information.
- 6.4.8 A short term vacation rental temporary use permit should not be issued if located within the Trincomali Improvement District.
- 6.4.9 The applicant should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles.
- 6.4.10 If the proposal is located on a property identified as containing a sensitive ecosystem, the temporary use permit should require that the applicant provide information for guests indicating the location of the sensitive areas, and information on how to avoid impacting the sensitive features.
- 6.4.11 The temporary use permit should restrict advertising to one unilluminated sign, with a maximum area of 0.6 m².
- 6.4.12 The temporary use permit should require that the owner or other designated contact be available on North or South Pender Island by telephone or email at all times when the short term vacation rental is in use.
- 6.4.13 The temporary permit should require the owner or manager provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number and email, and a copy of the temporary use permit.
- 6.4.14 The permit should require the applicant post the following information for guests:
 - a) remind guests that the property is located in a residential area;

- b) information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted);
- c) emergency services contact information, and to provide a means for contacting them if the property is located in an area with no cellular service; and
- d) the applicant provide the name and contact information of the property owner or designated contact who is available on North or South Pender Island at all times when the short term vacation rental is in use.

6.4.15 In addition to any other conditions the Local Trust Committee may consider appropriate, in some situations the permit may:

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

6.4.16 A temporary use permit for a short term vacation rental on a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.

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

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

PART 6 TEMPORARY USE PERMITS

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

Temporary Use Permit Policies and Guidelines

6.1 The North Pender Island Local Trust Committee may issue ~~Temporary-Commercial and Industrial Use-use Permits-permits~~ for any area covered by this plan.

6.2 The Local Trust Committee may consider requiring development information for ~~Temporary temporary Commercial and Industrial Use-use p~~Permit applications through adoption of a development approval information bylaw.

6.3 The Local Trust Committee should consider the climate change impacts of any significant change in use in reviewing temporary use permit applications.

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

6.4.1 For the purpose of a temporary use permit, “short term vacation rental” means the use of a dwelling, ~~or cottage, or secondary suite~~ as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier.

6.4.2 The Local Trust Committee may consider issuance of a short term vacation rental temporary use permit provided the short term vacation rental use ~~proposal~~ would not alter the residential appearance of the residence.

6.4.3 The Local Trust Committee should consider the cumulative effects on the neighbourhood and Island of all the temporary use permits issued for short term vacation rentals.

6.4.4 The Local Trust Committee should not approve more than one short term vacation rental temporary use permit within a 200 metre radius from another short term vacation rental temporary use permit.

6.4.45 The ~~applicant and owner~~ 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.~~

6.4.6 If the property is serviced by a private well, the applicant must demonstrate the well has adequate quality and quantity of water for the short term vacation use. A pump test,

professional report, or rainwater system may be required for the application or as a condition of the permit.

6.4.7 If the property is serviced by a community water system, the application should be referred to the water system for information.

6.4.8 A short term vacation rental temporary use permit should not be issued if located within the Trincomali Improvement District.

~~6.4.5-9~~ The ~~landowner-applicant~~ should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles.

~~6.4.6-10~~ If the proposal is located on a property identified as containing a sensitive ecosystem, the temporary use permit should require that the ~~landowner-applicant~~ provide information for guests indicating the location of the sensitive areas, and information on how to avoid impacting the sensitive features.

~~6.4.7-11~~ The Permit-temporary use permit should restrict advertising to one unilluminated sign, with a maximum area of 0.6 m².

~~6.4.12-8~~ 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 24 hours/day, seven days per week at all times when the short term vacation rental is in use.

~~6.4.9-13~~ The temporary permit should require the owner or manager provide neighbours within a ~~200-100~~ metre radius of the vacation rental with the owner or manager's phone number and email, and a copy of the temporary use permit.

~~6.4.10-14~~ The permit should require the ~~landowner-applicant~~ post the following information for guests:

- ~~_____~~ a) remind guests that the property is located in a residential area;
- ~~_____~~ b) information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted);
- ~~_____~~ c) emergency services contact information, and to provide a means for contacting them
- ~~_____~~ if the property is located in an area with no cellular service; and
- ~~_____~~ d) the applicant provide the name and contact information of the property owner or designated contact who is available on North or South Pender Island at all times when the short term vacation rental is in use.

~~6.4.11—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 m², and if the building has received an occupancy permit for residential use under the BC Building Code.~~

~~6.4.15-2~~ In addition to any other conditions the Local Trust Committee may consider appropriate, in some situations the permit may:

- a) ~~limit~~ the number of bedrooms that can be used for short term vacation rentals;
- b) limit the number of guests to 6 for properties located within the Magic Lake Estates Water System Area;

c) limit the number of days the short term vacation rental may be in use from the period of May 1 to September 30 in a calendar year to a total of thirty days;

~~b~~d) require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening;

~~e~~e) require the landowner/operator to post contact information and permit information at the entrance to the property;

~~d~~f) prohibit camping or occupancy of RVs on the property;

~~e~~g) prohibit the rental or provision of motorized personal watercraft;

~~f~~h) prohibit watercraft that has been brought from off island to be used on Magic Lake or Buck Lake;

~~i~~g) prohibit outdoor fires; and

~~j~~h) establish the dates during which the use may occur.

6.4.~~13-16~~ A temporary use permit for a short term vacation rental on a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued."

6.4.~~14-17~~ A temporary use permit may ~~not~~ be issued for a short term vacation rental within a secondary suite.

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



Islands Trust

ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: NP_6500_2020_STVR Review

File Name: Bylaw No. 222

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

	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
✓	4.4.2	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	4.4.3	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
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	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	4.5.9	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	4.5.10	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	4.5.11	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.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

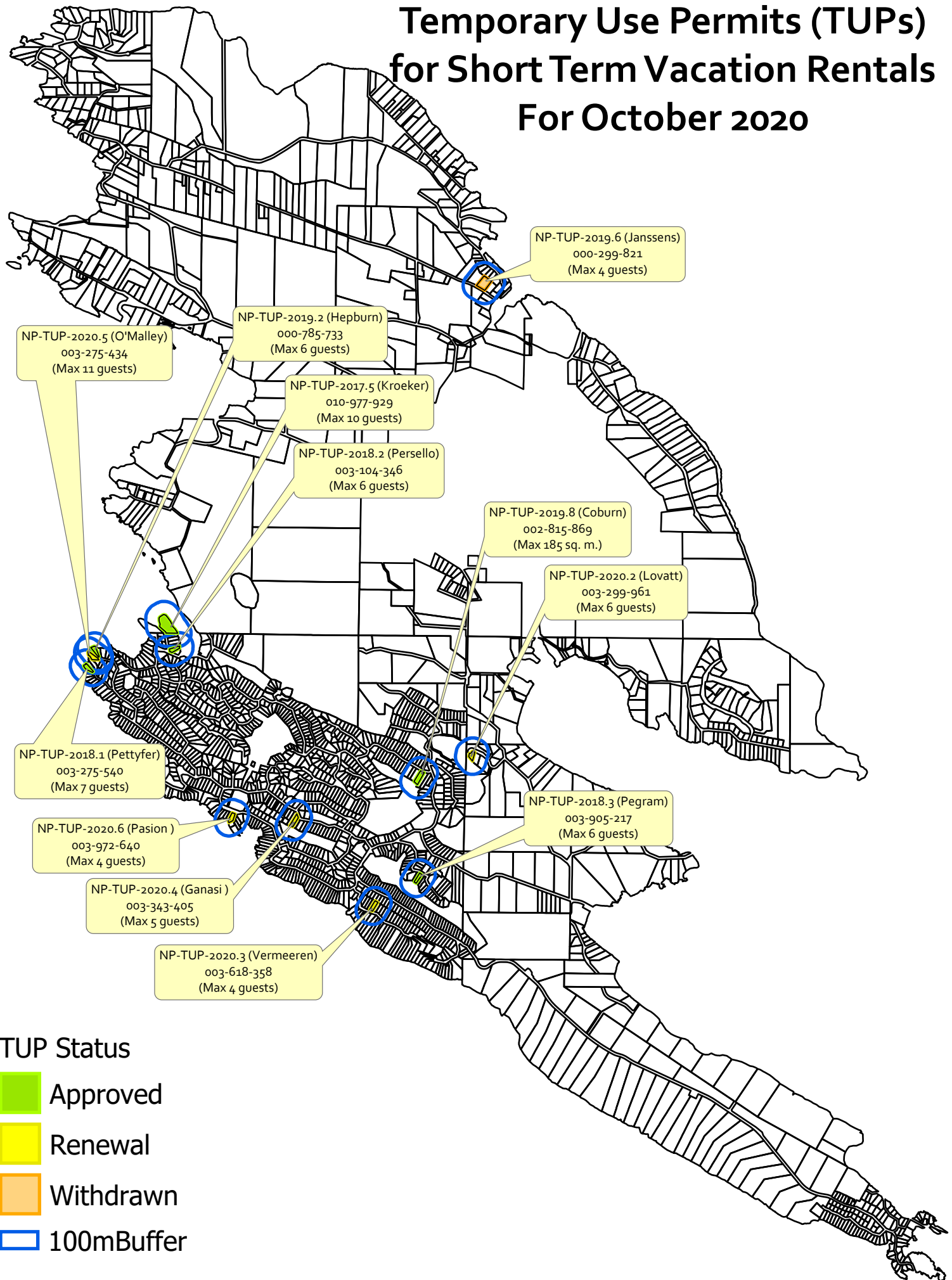
PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	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.
	5.2	Growth and Development
✓	5.2.3	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.
✓	5.2.4	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.
✓	5.2.5	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	5.2.6	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.
	5.3	Transportation and Utilities
N/A	5.3.4	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	5.3.5	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	5.3.6	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	5.3.7	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.
	5.4	Disposal of Waste
N/A	5.4.4	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

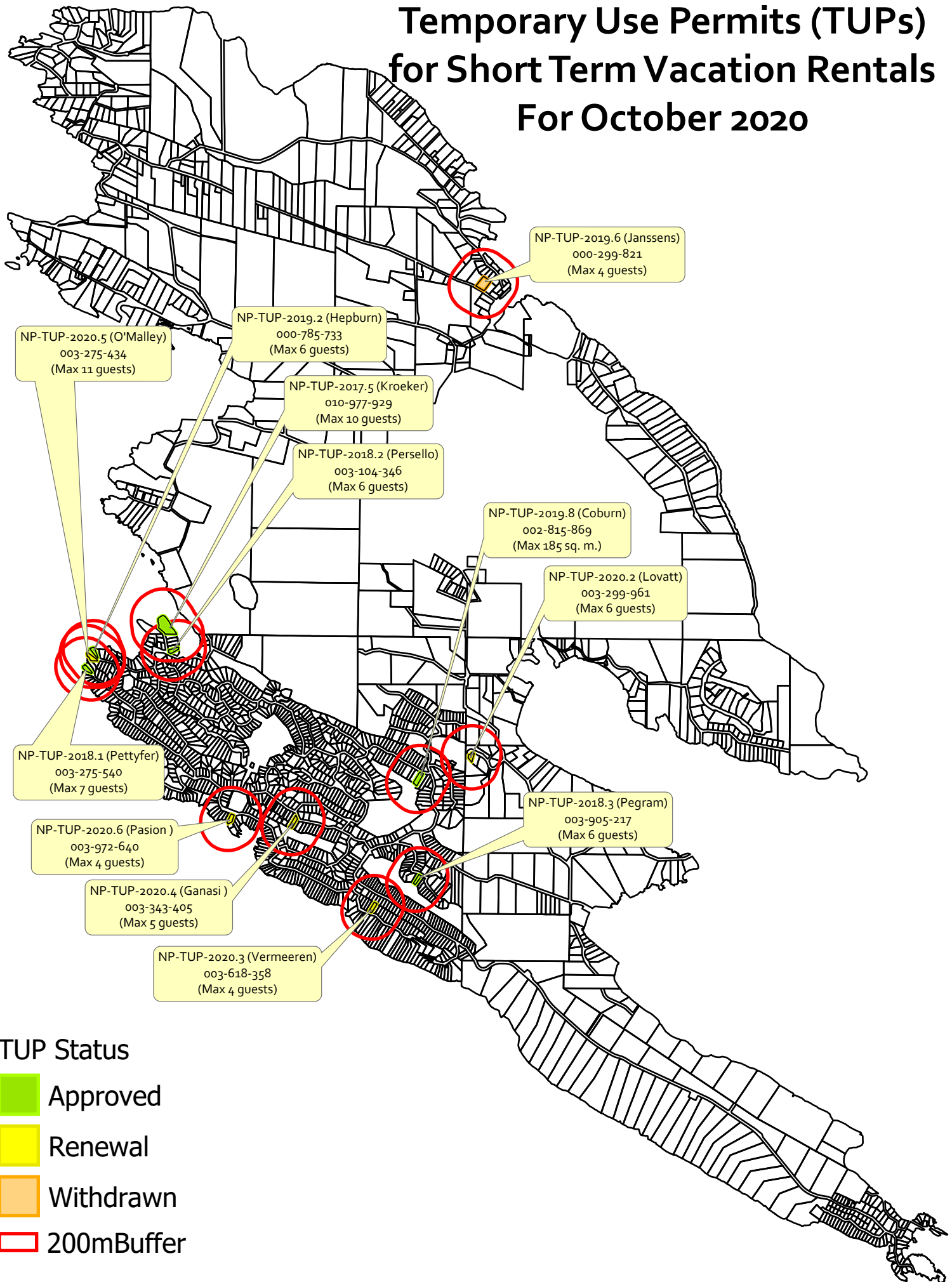
	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, 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	5.5.5	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	5.5.6	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	5.5.7	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.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	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	5.6.3	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.
	5.7	Economic Opportunities
✓	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.
	5.8	Health and Well-being
N/A	5.8.6	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.

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

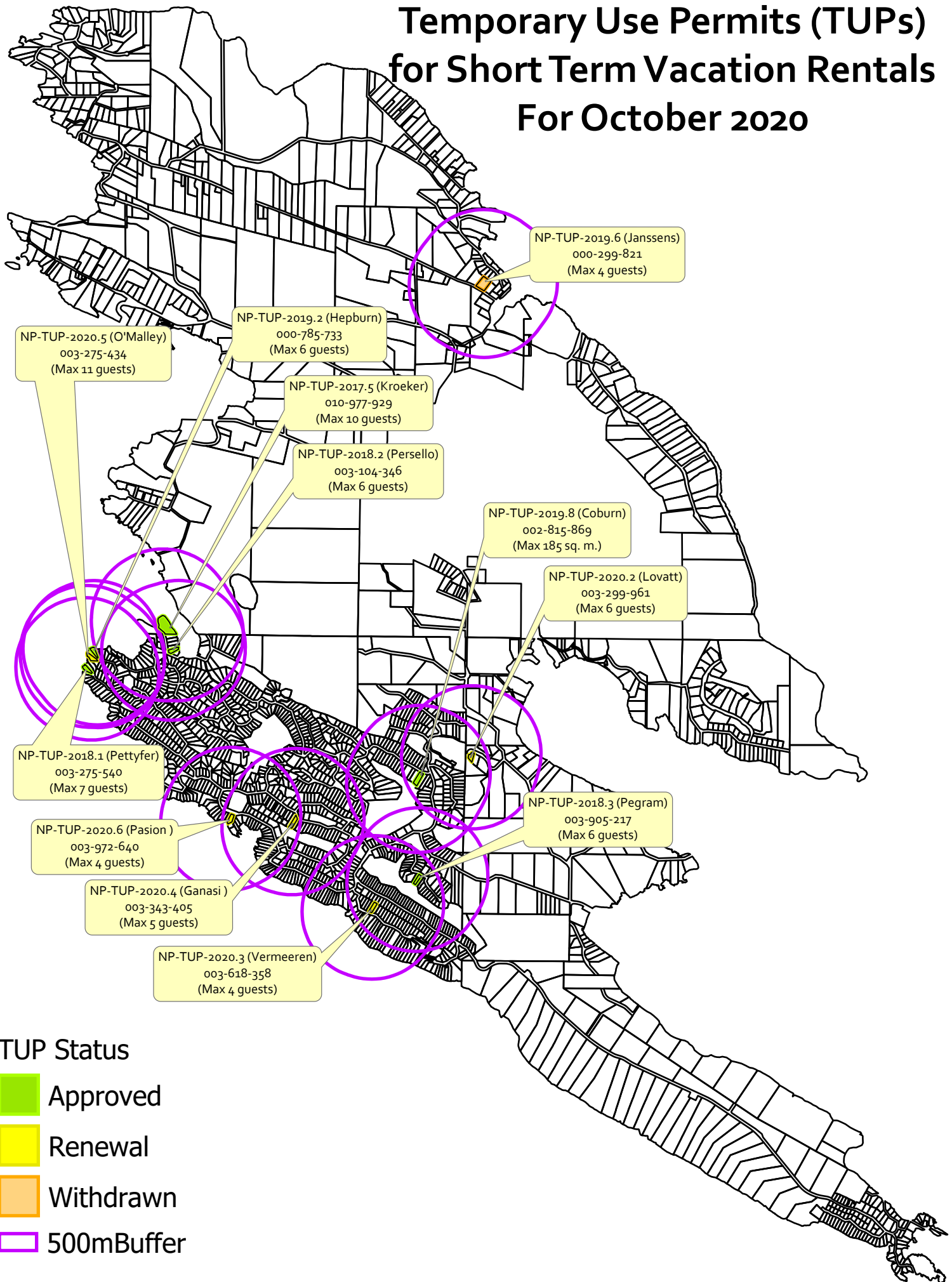
Temporary Use Permits (TUPs) for Short Term Vacation Rentals For October 2020



Temporary Use Permits (TUPs) for Short Term Vacation Rentals For October 2020



Temporary Use Permits (TUPs) for Short Term Vacation Rentals For October 2020



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

RECOMMENDATION

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

REPORT SUMMARY

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

BACKGROUND

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

NP-2020-031

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

NP-2020-032

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

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

ANALYSIS

TUP Guideline Amendments:

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

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

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

Table 1.0 – Recommended TUP Guideline Amendments

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

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

be used on Magic Lake or Buck Lake; g) prohibit outdoor fires; and h) establish the dates during which the use may occur.	dwellings on smaller lots or in small lot neighbourhoods.
6.4.13 A temporary use permit for a short term vacation rental on a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.”	No change.
6.4.14 A temporary use permit may not be issued for a short term vacation rental within a secondary suite.	No change.
Proposed new guideline	One of the issues for neighbours, and for staff and the LTC, has been STVRs where the owners are absentee and have little or no presence in the neighbourhood, in contrast to properties the where owners make regular use of the it themselves. Recommended new guideline would be to: - Add a general guideline stating that TUPs should not be considered for dwellings that are not also used by the owners and relevant conditions may be included in the permit.

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

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

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

Consultation

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

- Capital Regional District – Building Inspection
- Capital Regional District - Magic Lake Water and Sewer Committee
- Ministry of Municipal Affairs & Housing
- BC Assessment Authority
- Mayne Island Local Trust Committee
- Saturna Island Local Trust Committee
- South Pender Island Local Trust Committee
- Salt Spring Island Local Trust Committee
- Islands Trust – Bylaw Enforcement
- Razor Point Improvement District
- Trincomali Water Improvement District
- Cowichan Tribes
- Halalt First Nation
- Lake Cowichan First Nation
- Lyackson First Nation
- Malahat First Nation
- Pauquachin First Nation
- Penelakut Tribe
- Semiahmoo First Nation
- Stz'uminus First Nation
- Tsartlip First Nation
- Tsawout First Nation
- Tsawwassen First Nation
- Tseycum First Nation

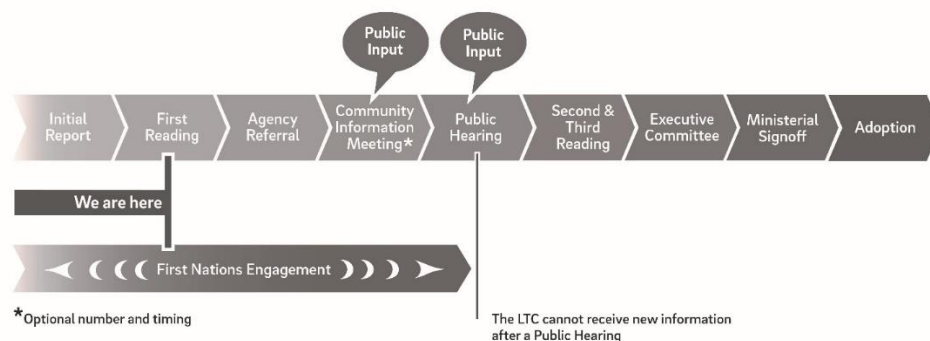
The LTC should consider if it wishes to undertake additional consultation than identified above and direct staff accordingly.

Timeline

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

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

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



Islands Trust Policy Statement:

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

Rationale for Recommendation

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

ALTERNATIVES

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

1. Request further information

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

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

2. Direction to draft bylaw with additional amendments

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

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

3. Proceed no further

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

NEXT STEPS

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

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

DATE OF MEETING: July 2, 2020
TO: North Pender Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: NP STVR Policy Review – Summary of Community Input and Identification of Options

RECOMMENDATION

1. That the North Pender Island Local Trust Committee request that staff identify amendments to the guidelines for Temporary Use Permits (TUPs) for Short Term Vacation Rentals (STVRs) in primary dwellings.
2. That the North Pender Island Local Trust Committee request staff revise the project charter to reflect the change in approach.

REPORT SUMMARY

This report provides the North Pender Island Local Trust Committee with a summary and analysis of input provided by the community through a web-based community survey on short term vacation rentals and a survey emailed to North Pender Island STVR operators with TUPs. It also considers statistics related to residency, past and present inventory of STVRs on North Pender and the recent change in circumstances influencing STVRs as a result of COVID-19 in recommending next steps for the NP STVR Policy Review.

The recommendations above are supported as:

- There appears to be no major concerns with STVRs operating as home businesses where someone is residing on the property.
- There appears to be no majority opposition to the use of TUPs to regulate STVRs.
- The introduction of TUPs for STVRs appears to have had some positive impacts.
- The number of STVRs on NP appears to be declining. The introduction of TUPs may have had some influence.
- The ability to consult the public directly is uncertain given COVID-19 restrictions and further public consultation is unlikely to result in additional community sentiment or alternative recommendations.

- A number of the negative impacts identified can be mitigated through TUP conditions and the selective issuance of TUPs.
- The shift in circumstances due to Covid-19 may lead to a decline in TUP renewals and applications for a period of time.
- The impacts of a reduction of tourism on local business may provide a different perspective on STVRs suggesting that no major changes should be made to STVR policy at this time.
- The inability to know the extend to which STVR guests vs part time residents and their friends and family contribute to seasonal impacts, and the inability to quantify the impact of STVRs on the rental stock, suggests that no major changes should be made to STVR policy at this time.

BACKGROUND

At the September 5th, 2019 North Pender LTC meeting “Short Term Vacation Rentals review” was added to the list of Top Priorities.

At the November 7th, 2019 North Pender LTC Meeting the LTC was provided with a [staff report](#) that provided background on the history of STVR operation and policy on North Pender and identified a number of options for reviewing STVRs that are currently regulated through Temporary Use Permits (TUPs). As identified in the November 7th report, STVRs have existed on North Pender for decades. North Pender LTCs have demonstrated varying levels of support for STVRs. A review of STVRs initiated in 2015 resulted in the adoption of bylaws permitting STVRs outright as a home business (cottage or B&B) where a fulltime resident lives on the property and enabling the rental of a primary residence through Temporary Use Permit.

The project charter endorsed at the January 30, 2020 LTC meeting included the following key tasks:

- Identification of locations of known STVRs on North Pender
- Review 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)

An online survey, and email survey to STVR operators with TUPs was launched in March and an in person public engagement was scheduled April (as per the project charter presented to the LTC at the January 20, 2020 meeting). Due to Covid-19 all in person public engagements were cancelled.

DATA AND ANALYSIS

STVRs on North Pender

As part of the background research for this project an Islands Trust Bylaw Enforcement Officer reviewed a number of online STVR sites. Sites reviewed included the Pender Island Chamber of Commerce, Airbnb and VRBO.

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 operating without a temporary use permit or a cottage being operated under the home business regulation where a fulltime resident lives on the property. A room in a house, identified as “B&B” is easier to identify. There are currently eleven temporary use permits for STVRs on North Pender Island.

A number of listings identify their rental as a cottage but in some cases these “cottages” are the principal residence and there is no other secondary dwelling on the property. Also, STVR owners are known to hide their listings at different times of the year when they are not interested in renting. The review of online STVRs was done in February 2020. A number of STVRs that have a TUP were not found online.

Type of STVR	Number of STVRs listed
Principal Dwelling without TUP	~8
Principle Dwelling with TUP	5
STVR with TUP not listed	6
B&B	~5
Cottage	~25
Total	~49

The [2005 Southern Gulf Island Accommodation Inventory](#) identified 83 STVRs (it is not clear if these are cottages or principal residences) and 16 Bed and Breakfast on South Pender. It estimated peak occupancy to be 438 for STVRs and 84 for Bed and Breakfasts.

Based on these numbers, there appears to have been a decrease in STVRs on North Pender over the past 15 years.

Population Statistics

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

Total Private Dwellings 2016: **1,711**

Total Private Dwellings 2006:**1,671**

Private dwellings occupied by usual resident 2016: **1,035 = 60% of homeowners**

Private dwellings occupied by usual resident 2006: **998 = 60% of homeowners**

Homes Occupied by Renters 2016: **135**

Homes Occupied by Renters 2006: **110**

Based on these statistics 40% of homes are not permanent dwellings. Only about 20% of these are occupied by renters. Given this, and as public input indicates, it can be assumed that a number of property owners who are not usual residents are using their North Pender homes part of the year.

Public Consultation

The public consultation process thus far has included:

1. One online survey launched April 3rd 2020 and closed on May 15th 2020
2. One email survey send to STVR TUP holders.

Online Survey

The summary of survey results includes only those respondents that identified as residents or property owners. A complete summary including graph comparisons and all comments provided can be found in Attachment 1.

Survey Participation

Respondents identifying as Property Owners or Residents: 132

Survey participants

Type of property

owner/resident

- 92 permanent resident property owners
- 32 property owners but not permanent residents
- 3 permanent resident renters
- 5 other (partly permanent)

Relationship to STVRs

- 20% STVR operators
- 13% considered renting STVR on NP
- 6% rented STVR on NP
- 4% benefited from STVR rental on NP
- 36% lived, or continues to live close to an STVR on NP
- 22% other

Age category

- 8% 25-34
- 2% 35-44
- 20% 45-54
- 27% 55-64
- 44% 65+

Summary of the Survey Responses:

The Benefits of STVRs

- The majority of respondents believe that STVRs have a positive economic impact on the community. Many Survey respondents identified the positive impact on local businesses in general and a number identified the positive impact on their own businesses.
- Locals have benefited from the ability to put up friends and families in STVRs.
- STVRs have provided opportunities for some individuals to stay on North Pender before buying property.
- Many STVR operators need the revenue from their STVR s to recover the costs of owning their property and contribute to upkeep. It was indicated that STVR rental enables some permanent residents to own a home on North Pender.
- Some respondents have identified how STVRs have allowed them to have friends visit when they don't have space to put them up.
- Over half of the survey respondents perceive the impact of STVRs on socio-economic diversity to be positive.

STVR Concerns

- To the 30% of respondents that identify that they have experienced direct problems with STVRs, noise was the most reported problem.
- Some respondents identified enforcement issues.
- A few respondents identified problems related to affordable housing, trespass, water scarcity traffic increase.
- Water supply and traffic flow were identified as concerns.
- Concerns were raised about increased risk of fire because of guests being less aware of risks and the inability to effectively fight fires due to limited water.
- Housing availability for renters was raised.
- Some respondents identified concerns related to impacts on community services such as limited access to medical services and limited capacity of fire department.

Observed Changes since TUPs Introduced

- Only 18% identify that they have experienced changes since TUPs for STVRs have been introduced.
- Some respondents identify that TUPs have led to better experiences with STVRs while some identify increasing problems.
- Some respondents note that the requirement for a TUP has resulted in fewer visitors which has had an impact on other businesses.
- Despite TUPs, it was noted that unregulated STVRs still exist.

How, When and Where STVRs Should Operate

- Respondents are divided on whether they support primary dwellings being allowed to operate as STVRs.
- Half of the respondents think that only one STVR should be operating on a single property.
- Over 60% of respondents think STVRs should operate all year round.
- There is interest in limiting the number of STVRs within proximity of each other.
- About 40% of respondents identify that STVRs should be allowed to operate anywhere.
- About 15% think STVRs should not be allowed to operate in Magic Lake and Buck Lake area.

Regulation Interests:

- Response to a number of the questions, including comments, indicate that there is interest in regulation to address concerns related to noise, fire, water and trespass.
- There appear to be limited objection to the use of TUPs. Some indicate interest in making changes to TUP requirements.
- There is some interest in STVRs being allowed as an outright permitted use (18%).
- There is about 20% interest in there being no STVRs.
- Some respondents (17%) identify interests in STVRs operating as home businesses only.
- There is no interest in zoning larger areas for STVRs and limited interest in site specific zoning.
- 50% of respondents think that the number of bedrooms should be limited.
- There appears to be interest in limiting the number of STVRs operating on the island.
- The idea of limiting the amount of days an STVR can be rented was also identified.

Feedback from STVR Operators with TUPs

Out of the 11 STVR operators with TUPs we received emailed surveys back from five properties. There were six responses in total, 2 were from the same property. The full comments can be found in Attachment 2. Of the six, one identified as a fulltime residents and all identified that they spend time on their property (from 50 days a year to 50% of the year). They have all been running STVRs within the past 3 years. None of them operate for more than 100 days in a year.

All of the STVR operators with TUPs identify that they use their property frequently. It is for this reason that they would not consider long-term rental. Two of them identify having rented to longer term renters in the past and it was a bad experience due to renters not respecting the property and the rules. They both identify better experiences with AirBnB guests. None of the STVR TUP holders responding to the survey identified having problems with AirBnB guests.

All of the STVR operators with TUPs identify the financial benefit of running an STVR mostly in terms of their ability to cover the costs of owning the property and the upkeep. They also see their ability to share their property with others including their friends and family a big benefit.

Public Consultation Analysis

STVRs have been identified to have both positive and negative impacts on North Pender individuals, neighbourhoods and the community in general. However, it is difficult to know whether the impacts identified in the web-based survey are directly related to STVRs or to the fact that 40% of the property owners are not fulltime. It is clear that much of the increase in population on the island during peak times are those that live there part time and their friends and families. Permanent residents also have more visitors during peak times.

The impact of STVRs on affordable housing is another area that cannot be clearly identified. Affordable housing can be seen in two ways 1) The affordability/availability of rental housing 2) The affordability of homes to purchase. With respect to the availability of rental housing, the responses from TUP holders indicates that those that are not permanent residents are not as interested in renting their houses as they are interested in using them throughout the year. They have also has bad experiences with long term renters. Given this, it is questionable how much of the housing stock would be made available if the rental of primary residence was not possible through TUP. With respect to the affordability of homes to purchase, public feedback in the surveys and direct to staff has indicated that there are permanent residents, and individuals wishing to be permanent residents at some point, that own STVRs to offset their costs.

It is clear that the majority of survey respondents support STVRs in general. This is indicated in a number of ways. Of total respondents 60% believe STVRs should be able to operate all year round and 40% believe STVRs should be able to operate anywhere. A number of suggestions related to regulation were made including limitations on number of days, number of bedrooms and not issuing permits in more dense areas (e.g. Magic

Lake and Buck Lake), limits on total number of TUP issued on the island. The survey identified that 22% respondents support existing policies with no change, 17% support existing policies with some change and 14% support STVRs in primary residences existing without regulation. Only 18% of survey respondents believe STVRs should not be allowed to operate at all.

There appears to be some concern related to unregulated STVRs. Bylaw Enforcement's scan of North Pender STVRs listed online suggests that the number of unregulated STVRs has been reduced over time. This could be related to the introduction of TUPs. There do not appear to be major concerns with STVRs operating as a home business where the owner or an employee lives on the property.

STVR Review Processes on South Pender and Galiano

Both South Pender and Galiano Island have recently been engaged in STVR policy reviews. Both processes have involved surveys and in person public engagement. South Pender, which previously allowed STVRs to operate as a principal permitted use in primary dwellings, is considering a temporary use permitting process for primary dwellings and STVRs currently operating as home businesses (where there is a resident on the property). Galiano Island, which has allowed STVRs in principle dwellings since 2013, is currently considering amending their land use bylaw to remove the ability for TUPs to be issued for STVR purposes.

Covid-19 Considerations

Covid-19 is having a dramatic impact on STVRs around the world and tourism in general. North Pender, and other Local Trust Areas, are feeling this impact. Most STVR operators will have shut down their operations and cancelled booking for the 2020 summer tourist season. While local tourism is slowly opening up, it is likely that the volume of visitors to the islands will be greatly reduced. As a result, there is likely to be reduced impact from STVRs in 2020, both positive and negative. The 2020 tourist season will provide insight to the extent to which island businesses rely on tourism. It may also lead to a decline in TUP renewals and applications for a period of time.

RATIONAL FOR RECOMMENDATIONS

Recommendation:

1. That the North Pender Island Local Trust Committee request that staff identify amendments to the guidelines for Temporary Use Permits (TUPs) for Short Term Vacation Rentals (STVRs) in primary dwellings.
2. That the North Pender Island Local Trust Committee request staff revise the project charter to reflect the change in approach.

Rational:

- There appears to be no major concerns with STVRs operating as home businesses where someone is residing on the property.
- Public consultation indicates that those in favour of STVRs are in the majority.
- There appears to be no major opposition to the use of TUPs.
- The introduction of TUPs for STVRs appears to have had some positive impacts.
- The number of STVRs on NP appears to be declining. TUP mechanism may have had some influence.
- The ability to consult the public directly is uncertain given Covid-19 restrictions and further public consultation is unlikely to result in new information or alternative recommendations.
- A number of the negative impacts identified can be mitigated through TUP conditions and the selective issuance of TUPs.
- The shift in circumstances due to Covid-19 may lead to a decline in TUP renewals and application for a period of time.
- The impacts of a reduction of tourism on local business may provide a different perspective on STVRs.
- The inability to know the extent to which STVR guest vs part time residents and their friend and family contribute to seasonal shifts and impacts, and the impact of STVRs on the rental stock, suggests that no major changes should be made to STVR policy at this time.

ALTERNATIVES

1. Status Quo

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

2. Request Staff to Identify Other Options Without Further Public Consultation

The LTC may choose to request that staff identify other options without engaging in further public consultation. This will also require amendments to the Project Charter.

3. Request Staff to Identify Other Options Following Further Public Consultation

The LTC may choose to request staff to engage in further public consultation to identify other options. This will require amendments to the Project Charter. It is unknown at this time whether face to face engagement will be possible due to Covid 19.

4. Refer to the Advisory Planning Committee

The LTC may choose to refer this report to the Advisory Planning Committee. APCs ability to operate is somewhat limited due to those bodies inability to hold electronic meetings.

NEXT STEPS

If the recommended recommendations are supported by the LTC, staff will update the Project Charter and prepare a list of possible amendments to TUP guidelines.

Submitted By:	Narissa Chadwick, Island Planner	June 23, 2020
Concurrence:	Robert Kojima, Regional Planning Manager	June 24, 2020

ATTACHMENTS

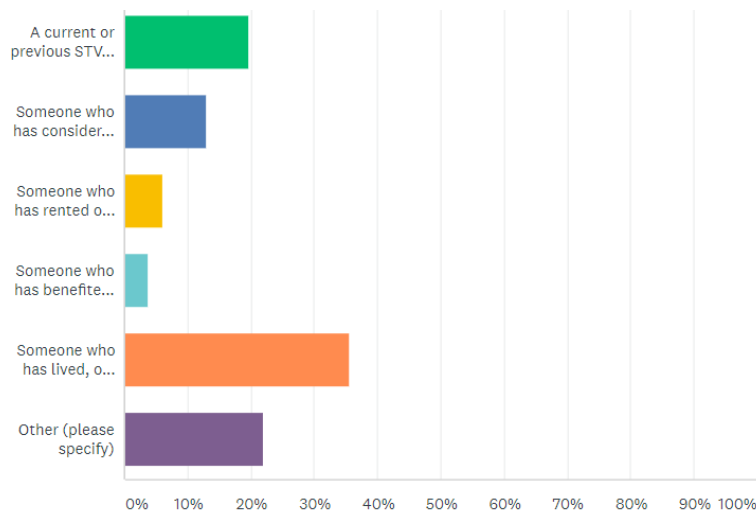
1. Results of 2020 North Pender STVR Survey (web-based)
2. Results of the 2020 survey of North Pender STVR operators with TUPs (email)
3. The current North Pender STVR Policy Review Project Charter

Results of Online Survey

The results provided below are only from those that have indicated that they live and/or own property on North Pender Island.

Answer Choices	Survey Response
Permanent resident property owner on NP	92
Property Owner on NP but not a permanent resident	32
A resident of NP that live in long-term rental property or other accommodation	3
Other (partly permanent residents)	5
Total	132

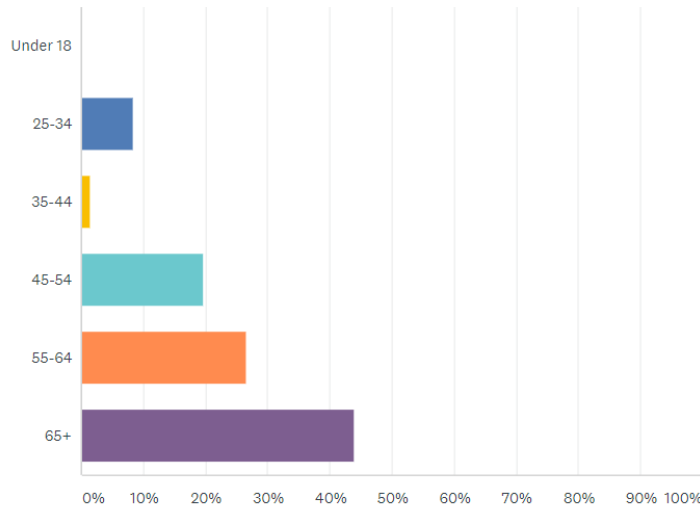
I am:



Answer Choice	Survey Response
A current or previous STVR operator on NP	10%
Someone who has considered operating an STVR on NP	13%
Someone who has rented or has been interested in renting an STVR on NP	6%
Someone who has benefited from the existence of STVRs on NP	4%
Someone who has lived, or continues to live close to an STVR operating on NP	36%
Other*	22%

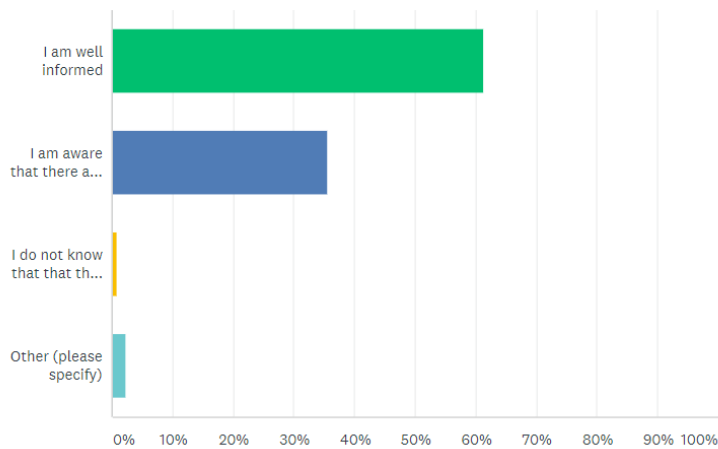
Relevant Comments for "Other"
A fulltime resident on NP x14
Owner of Currents, zoned as a resort
Farmer
Simply a law-abiding member of our community
Had an STVR cottage at Otter Bay
B&B/ Home business
Have bought land to build a house on Pender, stay in STVRs

What age category do you fall into?



Answer Choice	Survey Response
25-34	8%
35-44	2%
45-54	20%
55-64	27%
65+	44%

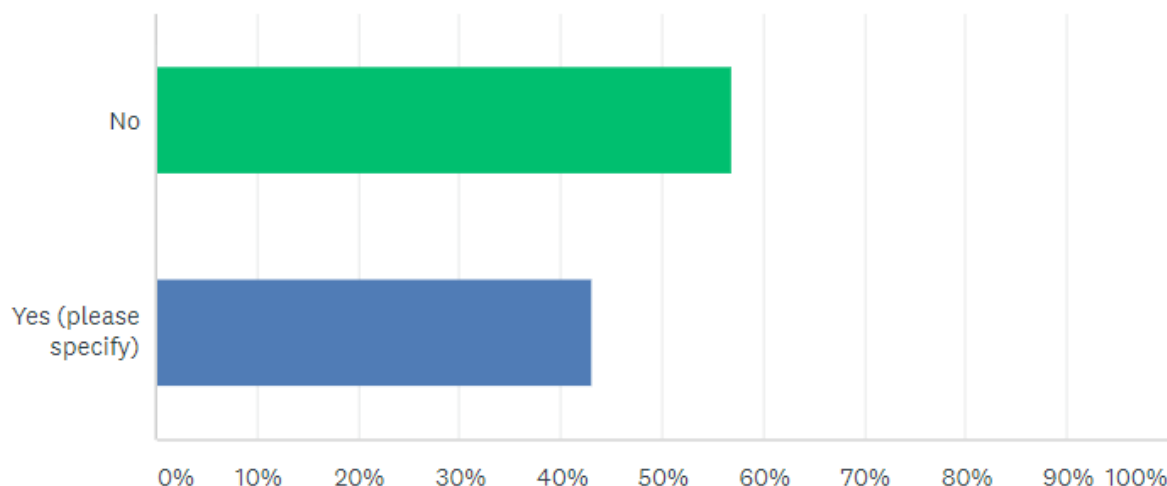
Are you familiar with the bylaws and policies permitting STVR business on North Pender?



Answer Choices	Survey Results
I am well informed	61%
I am aware that there are STVR bylaws and policies but not familiar with them	36%
I do not know that there are bylaws and policies regulating STVRs	1%
Other*	2%

Relevant Comments for “Other”
They are really hard to find online and not clear
It seems open to interpretation by the bylaw enforcement officers
I should be well aware but I am confused

Have you experienced benefits with the operation of STVRs on North Pender?



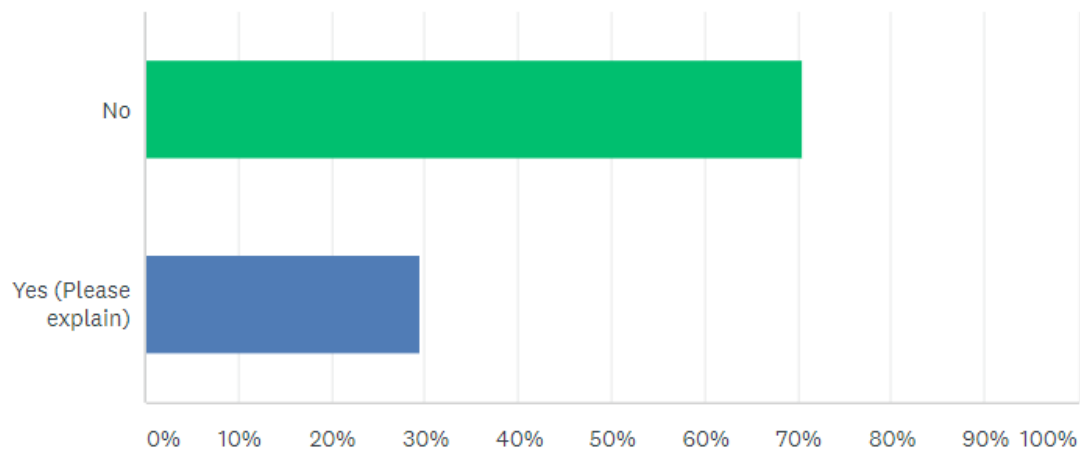
Answer Choices	Survey Results
Yes	43%
No	57%

Comment Re: Yes
Economic Benefit to Island/Jobs
I have had gained customers from STVRs (5 responses)
I derive income from my STVR (2 responses)
I run retreats. My clients stay in AirBnBs
We run a business and rely on tourism
Economic benefits
operating a STVR can be a good means of bringing tourist dollars into the Pender economy
There a number of economic benefits to the island, and the upsides seem to far outweigh the downsides. Some of my friends and acquaintances earn some of their income from this activity on the island.
I have one, and I also have a business that operates at the market and the tourists help with that economy and beyond.
It is a way for individuals to make or support there income
Marginally in that I'm an artist who benefits from tourism here in general
There a number of economic benefits to the island, and the upsides seem to far outweigh the downsides. Some of my friends and acquaintances earn some of their income from this activity on the island.

Income helper for me, boosting local economy.
It allowed me to keep my cottage at Otter Bay and visit Pender regularly
I am a member and past board member of the not for profit Pender Golf Course. We rely heavily on tourist traffic to keep the club viable.
Local business do better and make it possible for full time residents to have the services they offer in off season months.
The community benefits in that it keeps our businesses going year round. Increases my business activity too. Allows for new people to experience our island, creates new friendships and partnerships.
My guests spend money on goods and services at other island businesses
More tourists on the island trickles down into the economy: more shoppers, eating in restaurants, etc. Brings younger people here too
I am an operator so I have seen financial benefits. I think the rentals also help employee cleaning people, and maintenance people
New diverse people, personal income support, contributions to businesses that benefit from tourism, sharing the island with friends and family new residents
Affordable and preferred vacation rentals for families and their pets. Financial assistance for owners. Increase revenue for Island businesses
Appreciative tourists who support local merchants and remind us of the beauty we live with. Provides space for families with pets who are not suitably accommodated in other commercial ventures.
it is a way for individuals to make or support there income and the best way for people to visit our island
I made money doing Airbnb for my STVR
Ability to own property on NP/recover costs/upkeep property
The STVR permit has made it possible for our family to continue to own and spend the significant money it requires to maintain a property on the gulf islands that gives our family so much enjoyment.
The house is better when it has people in it. The house is healthier when it is being used. A vacant house is not good for a community. There is also the benefit of cost recovery on repairs and maintenance.
Our STVR helps with our mortgage and our neighbours tell us that they've been impressed with the quality and respectability of our guests
Cost recovery of increasing expenses
Having an STVR allowed us to keep our house and it is now used by a relative full time
income to cover mortgage and utility costs
It allowed me to keep my cottage at Otter Bay and visit Pender regularly
I operated a STVR(outside of Magic Lake on North Pender) for approximately five years in the late 90's while I lived full time on South Pender. I did all bookings through my own website, met all renters and did all the cleaning personally.
We operate under a TUP, and we only take advantage of STVR to cover the costs associated with ownership such as property taxes, otherwise, we consider the property our second home which we share and enjoy with guests when we do bookings.
Secondary income, helps offset operating overhead and taxes. Permits us to showcase Pender as a premier destination for appreciation of our natural beauty.
Income that allows me to continue renovating the property
Provides accommodation for benefit of residents
Friends came to Pender to visit my family and they were able to stay in a STVR and enjoyed it very much.

Family reunion and additional workers for storm restoration (Hydro)
Plus my neighbors and friends have been able to use our cottage as a rental.
Had family rent one when we didn't have space
Friends can come to visit without staying on our floor.
Family and friends have been able to visit us more often. Helps local economy which in turns helps us.
Provides opportunities for families/future residents to visit NP
We have witnessed families enjoying the lake and the experience of being on Pender Island. All of the STVR people we have encountered have been very pleasant and respectful.
Financial & charging inexpensive rates to those that would otherwise not be able to visit Pender
I've enjoyed visiting North Pender Island in years before choosing to buy a property and move here.
STVR's provide excellent alternative accommodation, especially for families
Provided lodging prior to moving here
I have rented STVRs before buying a lot and building on Pender
It allows young people housing opportunities they otherwise could not afford
Other
I'm not sure if this is a benefit but I've met some really lovely people who are kind and considerate when on the island
Was able to share a beautiful home with amazing people

Have you experienced problems with the operation of STVR operations on North Pender?



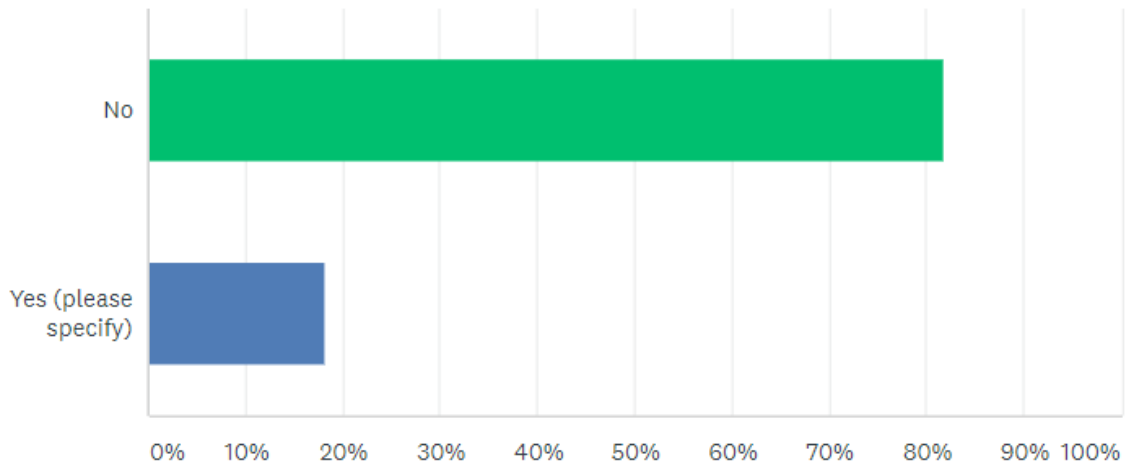
Answer Choice	Survey Results
No	70%
Yes	30%

Comments
Noise
dogs barking when left behind, fires outside in summer, noisy guests at all hours etc.
Years ago was a STVR at Boat Nook which attracted a very noisy clientele -- partying into the night.

STVR leads to a reduction in the rental housing stock which pushes rent up and makes it harder for people with low-incomes to live on the island. It's been hard for Currents to find cleaning staff, hard to staff the post office, etc... Pender needs more affordable housing!
Excessive noise. Loose dogs.
Constant noise transfer with vacationers enjoying themselves but not respecting the neighbours.
High level of noise from renters. I have heard the house being referred to on the ferry as the "Party House".
Noise from the renters
Some friends cannot find rental accommodation because of STVRs.
Overcrowding and excess noise late at night
Additional traffic, noise and disregard for laws and island specific courtesies.
noise, ferries overload
Issues relating to parking and noise and noise and noise and more noise from uncaring visitors.
Enforcement issues
Visitors disobeying fire and other regs and laws
There are 3 STVRs on our cul de sac. There are traffic noise issues, excess cars per house, lack of privacy, illegal fires, excess numbers of people per house, noise from occupants, operating the STVR during the Covid crises even though AirBnB operators have been requested by W, Dingmann not to
Increased noise, traffic. STVR clients ignorant of local bylaws such as fire restrictions and use outdoor fire pit illegally
Affordable housing (rent)
STVR leads to a reduction in the rental housing stock which pushes rent up and makes it harder for people with low-incomes to live on the island. It's been hard for Currents to find cleaning staff, hard to staff the post office, etc... Pender needs more affordable housing!
Lack of rentals and impact to local economy when tourism demand decreases
Limited accommodation available.
Trespass/Garbage
Guests have wandered onto my property without permission
trespass on my property from stvr renters, garbage dumping from stvr renters.
My privacy has been compromised by a local STVR operation and resultant trespassing
Traffic/Parking
adds to the neighborhood traffic
Walking and cycling are no longer possible during the summer due to increased traffic.
Parking is overwhelmed during peak periods
For over half of the year, the island has become overwhelmed with traffic, more people than the island can handle
Impact on community resources
Access to Medical facilities is difficult during summer months
We have difficulty finding local workers who are occupied with servicing absent owners.
water issues are a huge issue, lack of care for the environment, services like medical, fire dept, recycle, grocery stores are overwhelmed and locals end up 'at the back of the line' in favour of commercial enterprise
Our fire Service has reported they can not service the Summer population.
Water
Water is becoming increasingly scarce
Other

Guests have shot bb guns which is extremely dangerous. Guests take hot tubs without bathing suits and walk around on the deck nude. Host took an excessive amount of time to produce an on Island contact.
I am Very concerned with a STVR that does not have the permanent resident present at all time
Tourists arriving for vacations during a pandemic
The requirement that I have to live on the property that I have an STVR on frustrates me. I would like to have this requirement removed.
I was 'gagged' at meeting while tup was being reviewed and held over for further conditions that needed to be met. STVR continues, I've never been provided with required information and my home is less than 200 metres away.

Have your experience of impacts related to STVR operations on North Pender changed since the TUP process for STVRs was introduced in 2016?

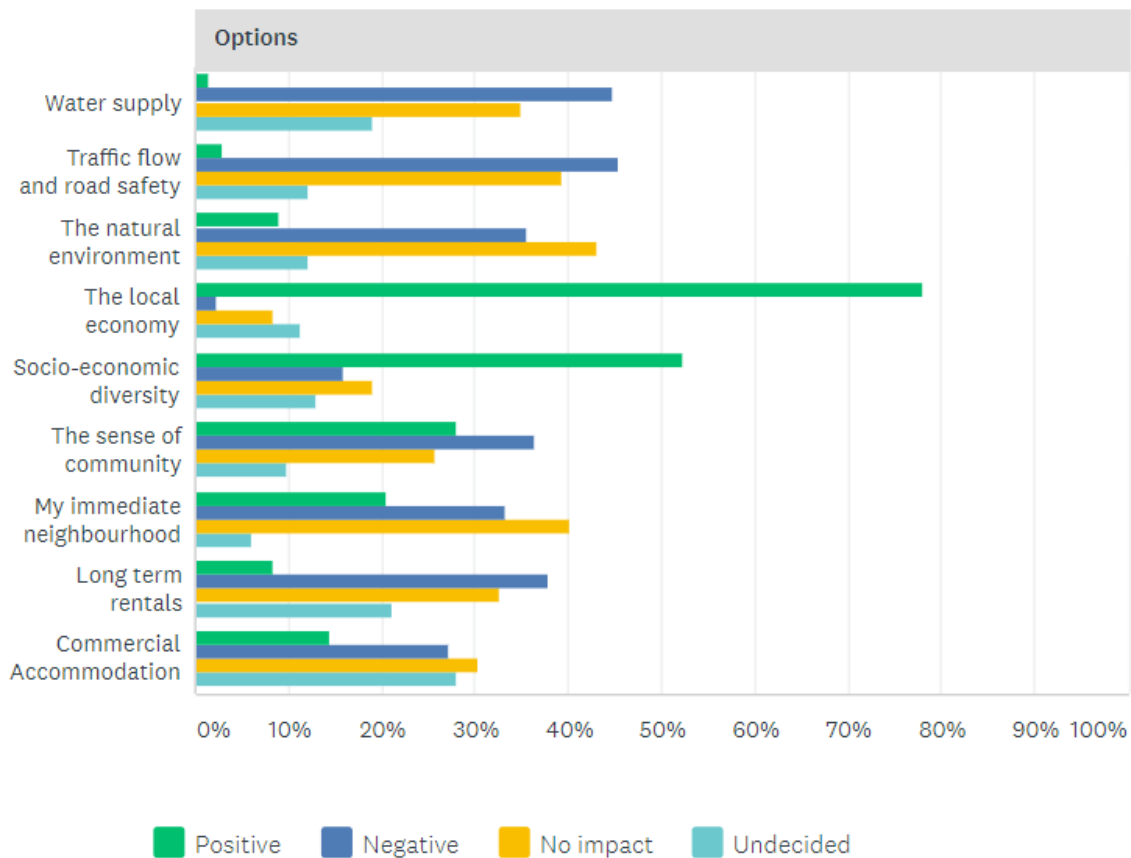


Answer Choice	Survey Response
No	82%
Yes	18%

Comments
Better Experience with TUPs STVRs
Under the TUP program, there is a lot less dissension in the community and things seem to have settled down.
Previous long term rentals were a problem. Not managing garbage, no respect for our property. Since the permit process was introduced, renters have been very pleasant and the property has been continuously cleaned and maintained.
Before regulation these same 2 STVR properties were operating illegally for many years with no enforcement despite complaints. It is better with bylaw enforcement and established rules, but not everyone follows the rules and the TUP process has not helped much with our complaints outlined above

one of the sites now has a permanent owner, therefore noise has ended
Fewer STVRs = negative impact
There has been less work since this was introduced less income
I believe Island commerce has diminished significantly, couples do not make day trips to Pender Island, disallowing STVR removes most tourist retail operations and the benefits from the same
Less choice for visitors
Increasing Problems
Many new owners of STVR's don't seem to know their responsibilities as described in bylaws
I think it may have increased some of the problems I have experienced due to legitimizing the rentals (which had been previously operated illegally) and increasing their use.
All the above impacts have increased dramatically in the last 2 years.
See above. These issues have increased dramatically
STVRs have made the housing crisis worse
TUP Process Challenges
Too complicated for only an occasional rental to friends
. More hassle for property owners wishing to have an STVR.
They are not enforced unless there is a direct complaint.
Great confusion as to what is permitted, no opportunity to make permanent improvements when operation is just temporary, lack of faith whether the LTC or IT will ever consider STVR and endorse or promote their use.
Still Problems with Unregulated STVRs
Most of the vacation rentals on N Pender operate with no licence. They are one floor of a home and don't pay any fee or meet any conditions. They use a lot of water. Our bookings have gone down as there are dozens of these unregulated AirBnB rentals available.
It is the norm for TUP to be applied for only after an illegal STVR has been reported for a noise violations etc. So the requirement for TUP is flaunted until complaints are made and Bylaw intervenes. The STVRs continue to operate even though they are been requested not to due to inadequate enforcement of "shutting down". Less long term community members to volunteer and support long term agencies such as the Legion, Library and Nu to Yu.

STVRs have an impact on:



Options	Positive	Negative	No Impact	Undecided
Water Supply	2%	45%	35%	19%
Traffic flow and road safety	3%	46%	39%	12%
The natural environment	9%	36%	43%	12%
The local economy	78%	2%	19%	13%
Socio-economic diversity	52%	16%	19%	13%
The sense of community	28%	36%	26%	10%
My immediate neighbourhood	20%	33%	40%	6%
Long term rentals	8%	38%	33%	22%
Commercial Accommodation	14%	27%	30%	28%

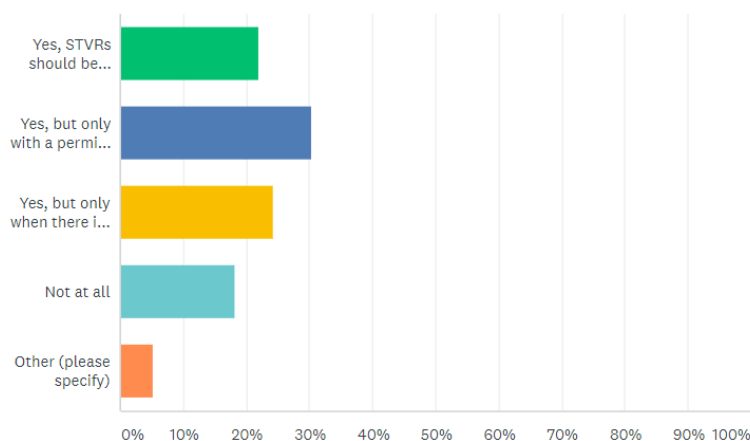
Comments

They help the economy of the island and many businesses and people benefit from this. It gives people work that might not have work. They buy groceries locally, they buy gifts locally. They eat out at restaurants etc.

My big concern is that younger working people have difficulty finding affordable housing -- we need these able people to function as a community. Also STVRs do not contribute to the fabric of the community -- visitors don't volunteer, visit neighbours to check on them etc.
People have always rented their houses and cottages on this island for decades. We should Not need a permit. most tourists are nice quiet people. Call the RCMP if renters are being noisy and stop being such NIMBY people. We don't need expensive permits or by laws for people renting their summer cottages
STVR's do not occupy individuals primary residence, those weekend homes are not available for permanent rental as the owner wants to use the premises several times a year. Rental properties are typically vacant, held for rental to families as their principal residence.
I feel like they have a negative impact in pretty much all those categories, except economically, but even that's debatable, since people would likely spend as much, if not more staying in a commercial accommodation.
Traffic flow and safety: it is ridiculous to even hint that STVRs are responsible for narrow roads, no shoulders and no sidewalks or trails.
STVR's bring tourists to the island who would not normally be able to visit. These tourists spend money in local businesses.
I am not sure that the quantity of short term rentals is such that there is a significant impact. Significant increases in short term rentals may have a negative impact. I am OK with a balanced approach to STVR.
The multiple generation families that stay at STVR homes would not stay at the commercially available accommodations under almost all circumstances.
Often, the visitors are more sensitive to the environment than the locals
I think further study is needed as to the effects of STVR on long term rentals specifically on Pender. From my understanding there are STVRs operating without permits and I think they should be made to apply for the STVR permit.
A STVR in my area could potentially effect an already huge concern with water supply. I am also very concerned that without an owner present basic rules will not be followed i.e. use of fire pits and not smoking! Fire is of great concern to me.
There isn't enough beds at Woods or Poets that are reasonably priced. The STVRs are a great local option.
STVRs and the guests that come to them do not have any more impact on things like water or the environment, than people coming to use their own property, or friends, or personal guests. Bascially these questions are about yes or no on STVRs but between yes or no on allowing any guests or tourists to come to the island. Do we want a small amount of tourists to come to the island, or do we think that the island is at max capacity (even with so many empty homes), that out water and environment can't handle and the ferry should just be for locals. How many tourists come to the island and pay to stay somewhere in the summer on average? 100? is that really what pushes our water use to the edge? It isn't that people don't want STVRs they don't want tourist or any accommodations for non-locals.
Please add, Negative impact: fire department, huge water issues and medical system overload
Fire Department - negative Water supply - negative Medical system - negative
There are always people who live and work on Pender who need long-term rentals. Allowing people to purchase several properties and use them as STVRs has a negative effect on the whole island Local businesses need workers. If there are no decent places to rent because they are being used as STVRs, then the workers either leave or are forced to camp out of to purchase old RVs to live in. People should only be permitted one STVR
local retail economy, food, restaurants, eco tourism all benefit from the extra visitors that stay overnight
I support stvr as a small community it helps out with tourism. I understand it can get busy and frustrating with too many tourists but we are fortunate to live here and letting people see it is part and experience here let's us all remain here.
Tourists are needed to keep the Pender economy healthy!
In regards to Long term rentals, the few bad apples give some great long term renters a bad name and it would appear to me that the bad apples are there own worst enemy.
It divides the people who might not live here or are seasonal residents against the long term residents who often serve these people in restaurants, services, trades, etc.
STVRs bring a lot of consumers to the island. They buy groceries, meals out, art. In consequence, many artisans have a much more robust business. It does seem, though, that operators with permits are penalized for being

law-abiding. For example, two businesses within a block of me have no permits and continue to rent during the pandemic.
Contribute to ferry overloading, excessive traffic, overcrowding at grocery (and everywhere else). Excessive burden on health clinic.
Overall, we are of the opinion that STVRs have a positive affect on Pender Island, specifically the business community. Ultimately, the services and amenities here survive throughout the year from the revenues generated during the high/peak tourist season, since permanent residents are not huge supporters of the local restaurants, but rely mostly on tourism and island-friendly guests from the mainland.
Loss of peace and quiet, never knowing who your neighbours are
The majority of STVR's are not suitable for long term accommodation, The owners are desiring of occupying their own premises and not dedicating their home to long term rental.
Economic benefits -- Positive impact
Opportunity for low income people to afford a home and have an income on pender.
STVR's are what allow me to run my business on Pender. So at least for me, I hope any adverse effects they may have are eclipsed by the benefits. Sadly, all human population growth is likely to have a negative effect on the natural environment. Humans as a category have negative effects on this habitat. STVR's should not be singled out for this.
The increased use of Pender's infrastructure advances the timeline to replace the same, especially rural roads. Where is the money? Garbage in parks, risk of fires will increase as well unless preventative measures are put in place to educate tourist. Ferry traffic is a big issue from Easter to Remembrance Day

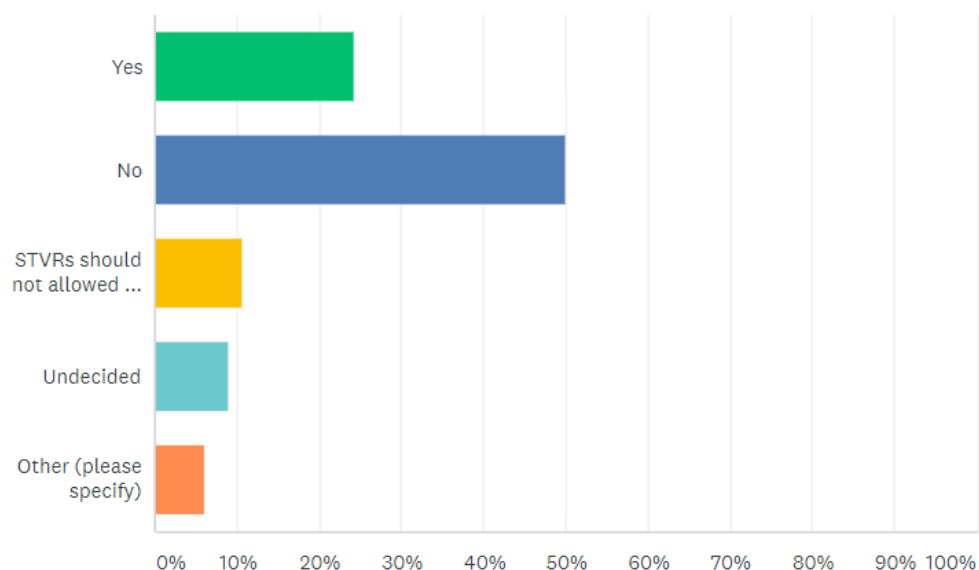
Do you support primary dwellings being allowed to operate as STVRs?



Answer Choices	Survey Results
Yes, STVRs should be allowed in primary dwellings with as few regulations as possible	22%
Yes, but only with a permit that identifies conditions that need to be adhered to	30%
Yes, but only when there is a full-time resident living on the property (e.g. living in the cottage)	24%
Not at all	18%
Other	5%

Comments (Other)
Only rooms in houses. Private kitchens should be available to local renters, not rich tourists.
Yes, with as few regulations as possible. One of those should be that you must maintain a permanent address on Pender.
Perhaps 2 week minimums or a maximum of 40 days in a year.
Yes, with regulations. I am a property owner that would like to rent my (entire) property out from time to time for extra income. When doing so I go to stay with family members on Pender or Victoria
Yes, subject to the permit fee being allocated as a credit against adjacent properties property taxes. And then encourage adjacent property owners to work out any issues with the STVR operator, requiring no bylaw officer involvement, except in rare circumstances..
Primary dwelling with a full time resident living on the property could be allowed in the same house as long as the property was larger than 1 acre. A maximum of 2 adults and 2 children . If the lot is larger than 2 acres perhaps a secondary cottage could be in place as long as the owner is present on the property.

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

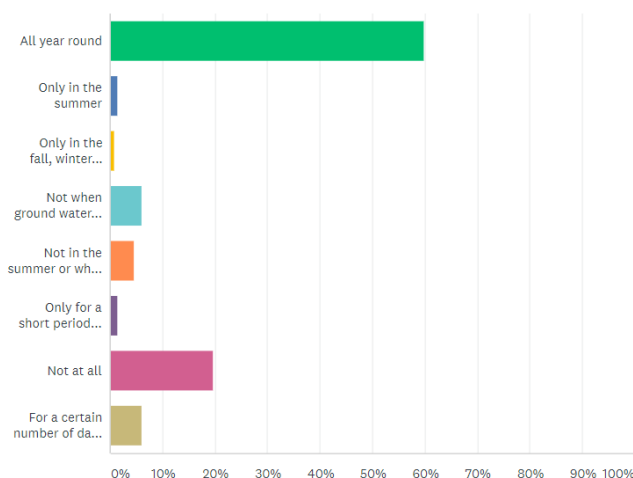


Answer Choice	Survey Results
Yes	24%
No	50%
STVRs should not be allowed	11%
Undecided	9%
Other	6%

Comments (Other)

Yes, as long as the owner is also resident on the property during the STVR stay and all requirements are met.
It depends on the circumstance and what kind of rental it is.
depends on the size of the property and how close to neighbours
Agritourism allows for more than one which makes this difficult to respond to.
It depends on the size of the property. Larger acreages with a house and cottage would be reasonable.
It depends on the size of the property. Larger acreages with a house and cottage would be reasonable.
In general, No - but there could be situations where that would be reasonable. Controversial as it is, Timbers (though he did it without a permit) would be the kind of place that could have more than one - IF the owner lives on the property. I'm against any STVR where the owners aren't the ones living with the visitors...
Most properties on North Pender are in Magic Lake. The size of these lots do not support more than one (if that) on the property. If , on larger lots, more than one STVR is allow, it is reasonable to explore whether these establishments should be classified as motels or hotels as they a businesses far beyond a solitary STVR

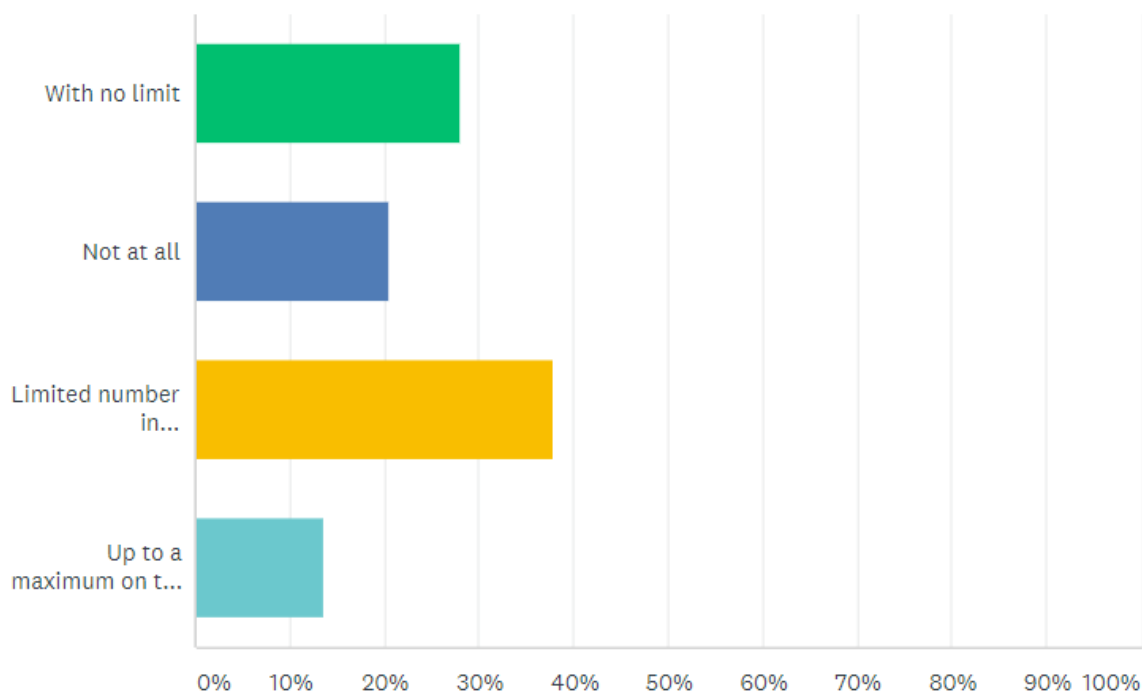
When should STVRs be allowed to operate?



Answer Choice	Online Survey
All year round	60%
Only in the summer	2%
Only in the fall, winter, spring	1%
Not when ground water is most impacted (most impact Sept-Dec)	6%
Not in the summer or when ground water would be most impacted	5%
Only for a short period of time when the full time resident is on holiday	2%
Not at all	20%
Other	6%

Comments (Other)
Any time when the owner is present to inform, monitor & regulate activities
a couple of weeks a year
I don't have a number in mind, but fairly limited, to make it (just) worthwhile for the owner, but not so much as to be a better option than using their dwelling for a full time rental. Preferably only secondary suites and cottages would be permitted.
Maximum 20 days per year
Easter to Thanksgiving - minimum stay 4-5 days as this puts fewer vehicles on the already crowded ferry system
Easter to Thanksgiving - minimum stay 4-5 days as this puts fewer vehicles on the already crowded ferry system

STVRs should be permitted to operate (choose the option you feel most strongly about)?

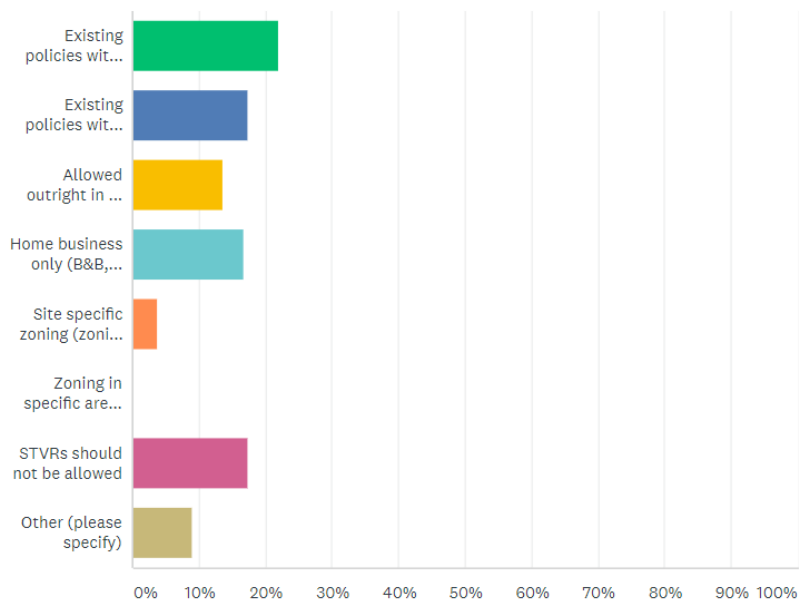


Answer Choice	Online Survey
With no limit	28%
Not at all	21%
Up to a maximum in each neighbourhood	38%
Up to a maximum on the island	14%
Suggested maximums	
25%*, 40%, 50%, 20%, 10%. 1%, 30%, 3%, max 100, 50%	

Are there areas on the island where STVRs should not be permitted? Where and why?

No	41
Not at all	9
Magic Lake/Buck Lake	16
Not where water is limited/a concern	5
Not in residential areas	2
Comments	
Due to wildfire risks NOT in areas where there are NO hydrants.	
Houses that could be rented by locals who participate in the economy full time	
limited in operation enough so that they don't dominate any one area,	
Not in proximity to other STVRs	
Areas furthest from fire station	
Rural or Agricultural zones; the purposes for these zonings are incompatible with use as tourist accommodations	
Oceanfront	

STVRs should be regulated though:

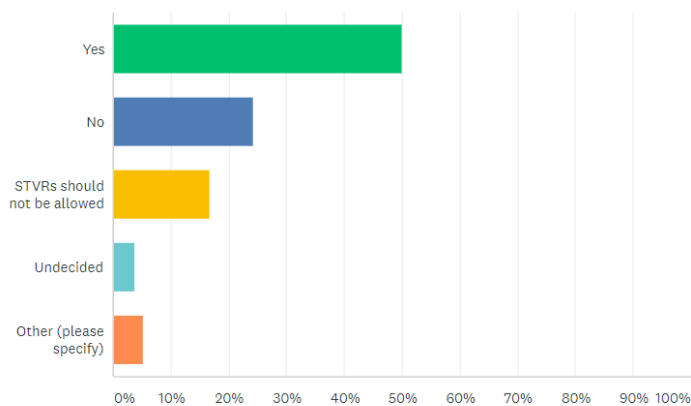


Answer Choices	Survey Results
Existing policies with no change	22%
Existing policies with some changes to TUP requirements	17%
Allowed outright in all dwellings without regulation	14%
Home business only (B&B, cottages, Agri-tourism)	17%
Site Specific zoning (zoning individual properties for STVR use)	4%
Zoning in specific areas (concentrating STVR operations in specific areas)	0%

STVRs should not be allowed	18%
Other	9%

Comments (other)
Units with kitchens should be occupied by people who live on the island for 8-12 months of the year.
Allowed outright in all dwellings however there needs to be a few rules. A few I have considered over the years are 1: Must maintain a permanent/primary address on Island. 2: Must be available or have an agent available on island at all times when the unit is rented to deal with complaints and emergencies.
Fewer regulations - not none (this should have been an option) No TUP required if: -2 Week minimum rentals -Maximum 40 days per year
Limit the number of STVRs by location and neighbourhood and limit the operator to only one STVR and require an application for permission to operate and charge a fee.
I'm not sure, I don't want Pender to turn into Salt Spring but I do think there should be more STVR's allowed to anyone who lives full time in their home and isn't taking away long term housing, only wanting to make extra income when they are away or can. Perhaps policies that limit the amount of people who can stay in a dwelling would help, there are some huge houses that allow big groups and that's where the biggest impact is made I think.
Limiting properties in magic lake due to issues with sewer and water.
It is my recommendation that STVR not be allowed in Magic lake due to the lot size, and in Trinco due to water issues. So these areas are opted out of STVR. In other areas the size of the lots, especially in subdivisions, needs to be taken into account. As STVR owners are using their secondary home as "mortgage helpers" not because they did not qualify for the mortgage, the Trustees have an ethical responsibility to ensure that residential zones remain primarily residential. Consideration should be given that a TUP that would be limited to 3 years followed by a two to three year gap before reapplying. Those who previously operated an illegal STVR should be limited to 1 year TUP at onset and then a two year TUP, followed by a two to three year gap. We forget that many many homeowner let (as is their right), extended family and friends stay in the "secondary" home in addition to the STVR being in operation. The local long term residents are not only dealing with the issue of STVRs.

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



Answer Choices	Online Survey
Yes	50%
No	24%
STVRs should not be allowed	17%
Undecided	4%
Other*	5%

Comments (Other)
Maybe limited to the size of the house, I.E., a 3 bedroom house having no more than (approximately) 6 guests, maybe through permitting each stvr would be assessed for capacity.
Should be dependent on sleeping accommodations on the premises and regulated by TUP
Number of guests (dependent on # of bedrooms - ie. no more than double the number of bedrooms).
depends on the size of the property and proximity of neighbours
yes, by the owner and in conjunction with working out what is reasonable with adjacent property owners, keeping in mind those adjacent property owners are receiving a portion of the permit fee, which would be partly scaled to the potential gross revenue of the STVR
Yes, but determined by some kind of reasonable assessment of size of property, building, water supply etc.

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

Fire Risk
On November 17, 2019 I submitted a detailed letter re. our concerns -at that time specific to Temporary Use Application NP-TUP-2019.6 . All the concerns apply to this survey. Primarily fire risk created by visitors not familiar with conditions on Pender and the lack of hydrants in many areas, current issues with the aquifer in areas where homes are on wells potentially made worse, and if property owners (on the property-not just someone assigned to address problems) are not present the inability to monitor and regulate guest behaviors . Our home is our dream retirement property and we believe STVRs where owners are NOT present put that at risk. Water is already an issue, fire risk is an issue and impact on quality of life could be an issue. Thank you.
Housing Affordability (Renter)
The island needs to be able to house the people who make the economy run all year round - not just rich people who show up for 4 months
The problem isn't specifically STVRs, it's affordable housing supply. Island Trust needs to find a way to allow affordable housing construction. Banning STVRs will be a useful measure to free up units for local low-income residents but it won't be enough. And if you must permit STVRs, you can work with AirBnB to charge a hefty sales tax and allocate it to affordable housing on the island. This affordable housing should be relatively dense and it should be in walking/biking distance to the important things on the island - so somewhere near Driftwood or the School.
Impacts the availability of rental properties for people who live and WORK here.
I would like to see some kind of policy developed that would balance STVRs on the island with the need for full time rental accommodation for residents.
Housing Affordability (owner)

An individual will never purchase at today's prices a home to be only be rented long or only STVR, the property is too expensive for that use. This is simply a method where an owner can offset the costs of their purchase and support local economy.
The impact on low income people. STVRs provide an opportunity for some people to afford to live on Pender.
Sense of Community/ Use of community resources
Unfortunately stvr's do not allow for a sense of community, take up valuable long term rental opportunity and place a high need on our limited resources including medical, food, water and infrastructure.
Pender Island is already changed to its detriment over the past 15 years I have lived here. A small, tight knit community is fast becoming what I see as a 'Whistler' full of short-term visitors and renters. Our community is slowly being eroded. Benefits have been the creation of some jobs, but they are all temporary and low-end in nature. Costs are escalating. Many can no longer afford to live here. The only ones benefiting from STVR's are off-islanders who want financial support to buy a second property on the island. For a community, B&B's in a persons house are a much better way to help local residents pay their bills and not destroy our community at the same time.
Increased volume of traffic on unsuitable roads. Parking problems at the Driftwood. Pressure on the food market. Increased illegal dumping of domestic garbage at the end of the rental period.
Noise
Many residents are retirees and do not enjoy experiencing frequent changing of nearby neighbours , especially those with dogs,kids, stag parties, wakes etc
noise restrictions
Enforcement
Enforcement, I have seen the rules broken for years with almost no enforcement, should they go ahead there needs to be an easy to use system in place for reporting problems, and some real enforcement of the rules
You need to police this more thoroughly. It's going on all around and people say "oh, my friends will be staying at our place" when really they have rented it out and have been doing it for years. No one seems to care.
Many people who come for holidays then decide to move to Pender and this is positive for the real estate market.
Economic Benefit
The island residents and owners need to encourage tourism to the Pender islands if the minimal commercial services that are available on the island are going to survive. We need a healthy gulf island economy. Tourism is a key element of that.
There are numerous benefits to STVR's on the island like helping to create jobs and income for islanders by providing much needed services to support seasonal rentals. The local economy also prospers due to the average spend of a family on the island during their visit like groceries, restaurants, wine tourism, golf, kayaking, art tours and sales etc. Tourism, including STVR's support the local economy.
We should be promoting tourism to all of the island for the island to stay economically healthy!
The island needs affordable vacation rental. We came to Pender because of Roesland. The island also needs an economy. Without tourism there would be no jobs
Many people who come for holidays then decide to move to pender and this is positive for the real estate market.

It's a struggle to find gainful employment on Pender. It's becoming a retirement community. I have nothing against retirement communities. But I love Pender. STVR's are what allow me to be here. I hope that the regulations loosen so that my airbnb business is less burdened.
No Problem with what exists
Our neighbors who operate STVR are very considerate and respectful of the neighborhood and we have had no problems.
This whole thing is people being afraid of more tourists. We don't have a traffic issue, unless you consider the 5 days a year when it is hard to find a parking spot at Driftwood. We have a water issue, but for 50 years hundreds of people have been bringing family and friends to their houses and getting paid cash to rent their places with no regulations, so why should having those paying tourists use an app, rather than just paying under the table make that big a difference to the water. Plus we have the Woods and Poets using tons of water, so why can't the local people make some money renting there place rather than these high priced hotels making all the money. If we have friends who want to come, they can't afford to stay at Poets! So they cram into our place, but I would rather pay a neighbour a small amount to have friends stay down the street.
Woods and poets are very expensive. Airbnb is a great alternative and allows empty houses to be used. Brings more tourists that spend money. It's great
The experience has been good for me thus far. It was difficult to set up but now that i am up and running, it is smooth and there have no challenges with my neighbors
Need for balanced approach
Yes the community has to grow to be sustainable.
policy should balance economic diversification and the rights of property owners with demands on local infrastructure and the existing rural lifestyle.
The STVR issue is, first and foremost, a local community issue. A local issue that would do well to keep in mind the global deterioration of small and large communities secondary to STVRs. Before deciding how to regulate STVR, the Trustees would be advised to consider the Pender community as it exists now and 10 years ago and 10 years in the future. What is envisioned for Pender.?After all, Pender is unable to be all things to all people. We cannot have it all. What is a reasonable compromise? Do we support those STVR owners who wish to earn their "income" at the expense of residential neighbourhoods such as Magic Lake? Or should the focus be on building a community, respecting the land and water and limiting the influence of those who see Pender as an investment?
Water Concerns
I agree that water use is a main concern. One solution might be to require STVRs to install water meters.
In areas were groundwater is a concern modern low flow fixtures should be mandatory code instead of an anti guest policy.
Paid Tourist vs Other Guest
We don't have restrictions for the island capacity at the ferry terminal. STVR are just a type of paid tourist accommodation. The island needs to decide how many people the island can accommodate at different times of the year. If our current infrastructure is maxed out, even with hundreds of homes unoccupied for years, and there is only room for 50 more people on a weekend then do we restrict people from bringing family to their private property? Should we count the ferry riders and say there is already too many on the island for the weekend and sorry but people can't bring guest? Do we close rooms at the Woods once we have 50 private guests on island? If we can handle 200 extra on a summer weekend then cap the whole accommodation pool accordingly (hotels/BBs, STVRs). But is it 100 or 250 extra people? Do non-paying family guest count because they love showers also? There shouldn't be a special set of caps for STVRs over hotels or over people bringing personal family. Either

we have a infrastructure capacity issue, or we can handle it and lets plan accordingly. Lets stop blaming it on a idea that tourists are having showers that are 3 mins too long, and be honest that locals moved here to hideout from the world and they just don't want tourists to draw down the water they like to use to water their flowers, or making noise on their sleepy island (like every small retirement town in the world). Good luck. Thanks for all your hard work trying to find a balance point.
NYIMBYism
Property owners should be free to utilize their properties in a manner they see fit. There are bylaws for noise and nuisance that can deal with offenders. For the most part it may be a case of NIMBYism.
Stop being such old NIMBY people. I have been here for decades and we need families and tourists to come here.
No STVRs
STVR have not worked in the past. No reason to think they will work with the community in mind in the future. Residential zoning should not allow STVR unless it is an accepted Bed and Breakfast business following health guidelines.
We have been through this process a couple of times and when we think that STVR's are to be no longer, they continue to operate. Our elected reps did not seem to read any of the multitude of letters which displayed a "no STVR" attitude.
Outreach Method
To get a balanced opinion, there needs to be a way to inform and involve part time residents Otherwise, there is simply a reinforcement of the drawbridge mentality.
I worry that this survey won't reach the most impact members of this community, who have to rent and move, rent and move.
Pandemic Impact
We do not know how long the current pandemic will last, nor when the next one will happen. Having short term visitors would have strong negative impact at the tails of the pandemic
It's too bad there are so many hard feelings
More Relaxed Regulations
Homeowners are responsible and should be allowed to do what they need to do, including renting their property as they wish, within zoning by-laws. Existing STVR by-laws need to be revised to reduce requirements and remove temporary use permitting. Trustees need to back off from their negativity regarding STVRs, and stop trying to manage peoples lives. Requirements for legal secondary suites also need to be reduced so more spaces can be used for affordable housing or financial assistance, eg. cabins, cottages, coach houses, recreational units, etc. We also need an RV park for residents and visitors, with a mixture of long and short term
Should be Similar to South Pender
Should be similar rules on North and South. South Pender STVR's use all resources of North Pender. Drive in roads through North to get to South.
Other
We love the fact that Pender Island is small enough to create a sense of a very tight-knit community, but large enough to have amenities (unlike Saturna) and we prefer it that way. Most STVR operators, in my opinion share the same sentiment, otherwise they would not have owned property here. While we have a TUP, we know that it is a privilege to have it (are aware of the complexity of application process) and not a right. It might be a good idea to review some of the rules with regards to STVRs.
In our experience the TUP applications are always approved as long as the owners follow the process, despite objections from neighbours and our objections have largely been dismissed, almost as if there was a hidden agenda to approve STVRs on Pender. We appreciate receiving this survey.

2020 North Pender STVR Policy Review: STVR Operators Survey

Below are the answers to a survey emailed to STVR operators that have TUPs. There were six respondents. Responses 5 and 6 appear to be from the same household. There are currently 11 TUPs for STVRs on North Pender Island.

1. *Are you a fulltime resident of North Pender Island? If not, how much time do you spend on the island?*

1. 50% time on Pender
2. I am a fulltime resident.
3. Not full-time at this time. Approx. 25%
4. No - approx 50 days per year
5. No. 100 days a year
6. No. Our extended family is on the property every month.

2. *How long have you owned your property?*

1. 4 years, but I have been coming to the island for 30 years through other family.
2. Since January 2008.
3. 47 years.
4. 2 years
5. 2 years
6. 30+ years

3. *How long have you been running your STVR?*

1. 2 years
2. My TUP was issued in November 2017.
3. Since May 2, 2018
4. 1 year
5. 1 year
6. Since receiving our permit

4. *For how much time in a year is your property operating as an STVR?*

1. 20% approximately on average (more in the summer, a lot less in the winter)
(note that I could rent it as much as I wanted in the summer, there is huge demand, but we like to use the cottage a lot in the summer also)
2. 10 weeks per year. In 2020 it will be virtually zero due to COVID 19
3. Very little because of Covid-19. There had been great interest.
4. 100 days
5. 8 weeks
6. 25-20% of the year

5. *How has running your STVR benefited you?*

1. Financially – it helps cover some expenses and part of the mortgage.
Makes us add more function and services to the property: we added a hot tub -for instance.

We pay local island people to help with property maintenance and things like cleaning that we never did before.

2. It has allowed me to afford the rising costs of home ownership, including, but not limited to, property taxes, utility upgrades such as the water and wastewater municipal levies, BC hydro cost increases, cable cost increases, home maintenance and repairs such as painting, roof and gutter repairs, tree maintenance, appliance repairs and maintenance, electrical and plumbing upgrades etc. It has also helped to cover the rising costs of island goods and services as well as transportation including increased ferry costs and fuel costs.
3. It is a terrific benefit and something I thank the Islands Trust for. When we are not there, it means that someone can be there enjoying the home and the island! Furthermore, it was beginning to provide needed income.
- 4 Financial income, sharing the cottage/Island with friends and family, helping local businesses that benefit directly from tourism.
5. Financially (obviously). But also in that it allows us to share our cottage with friends and family, who are happy to help us financially and get to stay on Pender. Helping local businesses to benefit from tourism.
6. It makes it possible for us to maintain and keep the property in good repair.

6. Have you ever had problems with STVR renters? How were those problems dealt with?

1. 98% of guests are amazing, helpful, nice, easy guests. Most are small families with young kids who love the lake. We have had less than a handful of challenging ones that might have brought more guests than contracted, or have broken something without replacing it. We have had no real noise issues, no significant damage, no negative feedback from neighbours.

We have a web enabled video camera, that is noted on the listing, that looks at the driveway outside. We can tell how many guests arrive. We would also be able to hear if it was very loud outside. We have confronted only 1 set of guests about extra people. They were only there for a short time and agreed to pay extra for the guests and to keep any extra noise down. Simple solution.

4. No, I have not had any problems with STVR renters. In fact, our neighbours have commented on multiple occasions that our guests are very quiet and respectful.
5. We have not had any problems since our permit was granted! The tenants we deal with are very responsible, honest and respectful. And most people really like the islands and want to return!

6. No
7. We have not had any problems with any STVR renters. In fact, every guest who has stayed has commented how much they enjoyed the cottage and the island.
8. Not a problem!

7. How frequently do you and your friends and your family use your property?

1. Our property is used by our family about 50%
2. I enjoy my property most of the rest of the time when it is not occupied by guests.
3. During Covid-19, we have not been able to. Otherwise, 25% of time perhaps.
4. Two to three weekends per month, with a few week-long trips during the summer
5. 3 times per month
6. Every month- this is important to us.

8. Have you had any experiences with long-term renters?

1. Yes, years ago. Sadly, they did not maintain the property and damaged things. Breached rules around pets. Were more of a noise issue with neighbours than STVRs guests. Also the rent level they expected did not cover the mortgage and bills. Plus, then we were unable to use the property.
2. Yes, at the beginning I had a one year lease with a couple from the island. Unfortunately, it was not a good situation. The couple were both smokers and exhibited some unfavourable behavior. I have a non-smoking property due to the many trees and dry brush so when the couple asked to break their lease early to move away, I was relieved. I have not had any issues with any STVR guests.
3. No experience of paying long-term renters for our property.
4. No
5. No. We've tried to find long term renters but could not find suitable.
6. No- we want to use our property

9. Would you ever consider renting to long-term renters? Why or why not?

1. See above. Primarily because we love our cottage and we like to be here half time so we can't take renters.
2. I would not consider going back to renting to long-term renters due to the problems I had to deal with when I had a long term renter as noted above.
3. I would not want to rent my home to long-term renters because we want to go to our home. Furthermore, I want to share our home and Pender with different people, rather than have the exclusive use by one party. Also, a long-term renting can be a problem if tenants do not pay rent or become disrespectful towards the community. I do not want to

take that risk. Finally, I see home stays as a different way for guests to enjoy the islands in addition to hotels and camping -- each form has its benefits.

4. No. We prefer to use our cottage/property when we'd like.
5. No. We want to be able to use our cottage at least every month
6. NO- for reasons stated above.

10. Is there anything else you would like North Pender Island Trustees to know about your experience operating an STVR with a TUP?

1. There are thousands of residents on the island, I don't think having about a dozen STVR worth of guests on the island has a negative impact. Many of them come to attend weddings or visit with other residents. But almost all of them go to the grocery store, eat at Joes or the pub, visit the cidery or golf course, rent kayaks etc. They also mean we can pay for cleaning help, hot tub cleaning help, and other maintenance work from other locals. However, I regularly hear locals complaining about renters on the island in the summer clogging up their ferry etc...

I think it is great that you have a permit process.

I am glad my neighbours know I have a STVR

The TUP process (when I went through it) was very confusing and challenging to figure out, and I think it could be much clearer. I also found the fee to be very high (about the same as my mortgage for the month), but maybe it is more administratively intense that I think it is? -I support enforcement of non-permitted STVRs. They don't inform their neighbours or go through the application, and that isn't fair.

There is a lot of push back and concern about renters mistreating the lake, forests, or wasting water. We do our best to inform guests about these things and have never had an issue.

The concern about increased water use is a NIMBY complaint. If we didn't have guests here then we might be here more, and therefor the same amount of water is used. There are so many empty homes on the island using no water, and people complain that they should be used more or rented out, well that would be even more water use.

The most challenging thing I have had is specific neighbours who don't know the law or drop comments or express concerns that are unfounded. Examples:

I have had a neighbour call me to complain about the noise coming from guests at my cottage. I appreciate the neighbour calling me and have given my number out to all my neighbours. However, the issue is that the neighbour goes to bed around 8:30pm even in the summer. The guests were a couple with two children under 10 years. It was a sunny summer Saturday evening and they let the kids jump off the lake dock at sunset, and then they were in the hot tub. The call came in at exactly 10pm. The neighbour claimed that it is a noise by-law violation to have

outside sound after 10pm. There was no music. No party. Just a family of 4 on a deck at 10pm on a Saturday night. I contacted the police to deal with the apparent noise issue, only to find out that the noise by-law isn't until 11pm minimum and generally only for amplified music, or unusually loud groups and the police will not attend a call for children at play.

he same neighbour took pictures through the fence and called me to tell me that my guests were shooting a gun on the property. I was very concerned of course. It happened that the people at the cottage were not STVR guest but actually my brother and my nephew (whom the neighbour has met many times but forgets who they are). I contacted them immediately only to find out my nephew had a small toy gun that you can get at a department store. It was no risk to the neighbour, not illegal, but the neighbour took photos of the children, called me and threatened to call the police.

Overall my neighbours have been positive or neutral about the guests and the STVR. Some of them have had friends or relatives of theirs stay at our cottage when they didn't have space at their place.

Thank you for surveying the community and especially thank you for sending a unique survey to the STVR owners so we can express our views.

2. I have had no issue complying with the requirements of the TUP.
I would encourage the North Pender Island Trustees to not put a higher weight on the loud voices of those owners (full and part time residents) that speak out against STVR's due to the fact that they don't directly benefit from STVR's. STVR's provide much needed jobs for young people and people of all ages. I hire local islander's to do the wide ranges of services that support my STVR like cleaning before and after guests, gutter cleaning, yard work, repairs and maintenance etc. For a vibrant community to thrive, we need to provide the support for our retail merchants, restaurants and the other service providers that make their home on Pender Island. Please ensure that this program and the current processes continue.
3. I am grateful to the Island Trusts for their support in STVRs. I think this is a tremendous benefit for the islands, especially as the economy will need income to repay increasing debts. My only regret is that we have not been able to take full advantage of our privilege so far – We could not spread the word in 2018 sufficiently until we had a permit. 2019 started bringing in income and happy guests! 2020 was looking really promising but now all reservations have been cancelled for understandable reasons due to Covid.
4. We feel that we are responsible, aim to limit the number and type of guests (two adults or small families) to those who would be welcomed on the Island. We don't allow large groups, parties, or anything that would jeopardize our cottage. We've put a lot of time, effort, and money into taking a run-down home into a lovely cottage that has only brought value to our street. We make an effort to promote local businesses, conserve water, and observe the rules set out for us by Islands Trust.

With that being said, our street is quite quiet and as a young family with nieces, nephews, and friends, we feel that **any** noise (mostly coming from children playing) has been complained about as “noisy guests”.

5. There are many properties in Magic lake estates that have absentee owners who do not operate STVR's, this does nothing to build up the community. I would way rather see houses used for STVR's than sit empty year after year. STVR's bring financial benefit to the area, but also help to create a better community.
6. It has been wonderful way for us to share our home with wonderful families and groups that would otherwise not have access to the Gulf Islands.

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

Background: *Short Term Vacation Rentals review is a one of North Pender Island LTC's Top Priorities. On November 7th 2019, The North Pender Local Trust Committee was provided with a staff report identifying process options to review short term vacation rentals. This Project Charter is based on the recommendation to support a limited review with public engagement process.*

Objectives

- To assess the impact of STVR use and related policy and regulations on North Pender
- To review options for changes to existing STVR regulations and policies

In Scope

- Identification of number and locations of known STVRs operating on North Pender
- Review and analysis of existing STVR regulations and policies
- Public outreach including a community survey and one public 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	January 30/2019
Report on project process and endorsement of project charter	January 30/2019
Complete public/stakeholder outreach (including public meeting)	May /2020
Report to LTC on public engagement results and policy options for LTC direction	May - July 2020
Draft Bylaws for LTC review	July 23/2020
Community Information meeting	October/2020
Bylaw amendment first reading	November 26/2020
Bylaw referrals	Oct.2020
Public Hearing, further reading	February, 2021
Bylaw amendment process completed	Spring/2021

Project Team

Narissa Chadwick	Project Manager
Maple Hung	Admin Support
Jackie O'Neil	GIS Support
RPM Approval: Robert Kojima Date: January 10, 2020	LTC Endorsement: Resolution #: Date: January 30, 2020

Budget

Budget Sources:

Fiscal	Item	Cost
2019-20 (LTC exp.)	Advertising, communications and display materials	\$500 (LTC exp.)
2020-21	Open House	\$500
2020-21	CIM	\$500
2020-21	Public Hearing	\$1000
2020-21	Legal/Contingency	\$2000
	Total (2020-21)	\$4000

DATE OF MEETING: April 2, 2020
TO: North Pender Island Local Trust Committee
FROM: Narissa Chadwick, Senior Planner
Southern Team
COPY: Robert Kojima
SUBJECT: STVR Review Update

PURPOSE

The purpose of this memo is to provide an update on the STVR Policy review process.

UPDATE

The North Pender STVR Review Project is currently moving forward as identified in the Project Charter endorsed by North Pender Trustees at the January 30th 2020 LTC meeting which supports the “Limited Review with Limited Public Engagement” project process endorsed at the November 7th 2019 LTC meeting (see project charter attached).

The following steps have been taken:

- Survey drafted, circulated to Trustees and feedback incorporated
- Draft survey uploaded to the Survey Monkey platform, sent to Trustees for review
- An inventory compiled of all North Pender properties being advertised online (AirBnB, VRBO/HomeAway, Independent websites, Chamber of Commerce)
- A date set for public engagement at the Saturday market (April 11th) (pending direction re: COVID 19)
- A submission made to the Pender Post announcing the initiation of the NP STVR Policy review and inviting residents to participate in the online survey.
- A date proposed (May 16th) for a public meeting to share the results of the survey and engage the public in dialogue about policy options (pending direction re: COVID 19).

NEXT STEPS

- Summarizing, for the public, information provided in the November 7th staff report providing info on STVR history and existing regulations. This information will be provided to residents on information boards at the market, the public meeting and in a small handout.
- Summarizing what is known of existing STVRs to include in information provided to the public.
- Targeted outreach to STVR TUP holders through email.
- LTC confirmation of May date for public meeting
- LTC confirmation of online survey
- Survey launch April 3, Survey will be available until April 30th

Submitted By:	Narissa Chadwick, RPP, Island Planner	March 16, 2020
Concurrence:	Robert Kojima, Regional Planning Manager	March 16, 2020

ATTACHMENTS

1. Project Charter



File No.: NP-6500-20
(North Pender STVR Review)
Project

DATE OF MEETING: January 30, 2020
TO: North Pender Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Southern Team
COPY: Robert Kojima
SUBJECT: Short Term Vacation Rental (STVR) Policy Review Project Charter

RECOMMENDATION

1. That the North Pender Island Local Trust Committee adopt the proposed project charter for the North Pender Island STVR Review.
2. That the North Pender Island Local Trust Committee request staff to initiate public engagement related to STVR policy review.
3. That the North Pender Island Local Trust Committee request staff to develop an online survey to gather feedback on STVR policy.

REPORT SUMMARY

The purpose of this report is to seek direction from the North Pender Island Local Trust Committee (LTC) to adopt the project charter (Attachment 1) for the North Pender Island STVR Review and direct staff to initiate the public engagement process. The report provides an overview of the previously recommended process options and rationale for supporting this process with the addition of an online survey and focussed STVR operator consultation.

BACKGROUND

At the September 5th, 2019 North Pender LTC meeting “Short Term Vacation Rentals review” was added to the list of Top Priorities.

At the November 7th, 2019 North Pender LTC Meeting the LTC was provided with a [staff report](#) that provided background on the history of STVR operation and policy on North Pender and identified a number of options for reviewing STVRs that are currently regulated through Temporary Use Permits (TUPs). The chart of options, presented in the November 7th report, can be found in Appendix 1 of this report.

The November 7th report recommended that the North Pender Island Local Trust Committee consider proceeding with Option 4 “Limited Review with Limited Public Engagement”.

The rationale for choosing Option 4 was that:

1. The LTC has expressed interest in establishing clearer rationale for permitting or not permitting the renewal of existing STVR TUP applications, accepting or not accepting new applications.
2. A very extensive review, including intensive public engagement, was facilitated in 2016. Given this, an extensive and detailed review process at this time may not be necessary.
3. Analysis of what is known of existing STVRs on North Pender, including bylaw files, and a limited public engagement process may be enough to provide the information LTC members need to feel confident in their STVR decision making moving forward.

DISCUSSION OF OPTIONS:

The proposed Project Charter is based on the recommended Option 4 “Limited Review with Limited Public Engagement” with the addition of an online survey.

As previously identified, Option 4 was based on the fact that in 2016 North Pender undertook a very comprehensive review of STVRs which included extensive public consultation. Given that only four years has passed, it is unlikely that public opinion of STVRs in general has shifted dramatically. However, some residents may have opinions on the use of TUPs for STVRs (introduced as a result of the 2016 process). Some level of public engagement is needed to help identify these interests as well as others.

At their January 3rd, 2020 meeting the North Pender Island Advisory Planning Commission advised the North Pender Island Local Trust Committee to support the staff recommended Option 4 “Limited Review with Limited Public Engagement”.

The rationale for adding the online survey to the public engagement process is that it has proven to be an effective tool to gather public input on STVR policy on Galiano Island. Galiano is nearing the end of the information gathering period through their survey. South Pender will be launching a survey on STVRs at the end of January. North Pender can benefit from work that has already been done to develop survey templates and a processes for survey analysis.

RATIONALE FOR RECOMMENDATION

Recommendation:

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

The recommended process for reviewing existing short term vacation rental policies identified in the draft project charter places emphasis on public engagement. As identified in the timeline below, the process up to bylaw amendment approval (should that be the direction decided) will take over a year. The recommended process includes:

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

Estimated Project Timeline:

January 30 2020 ----- June 2020 ----- April 2021				
Project Initiation: development and approval of project charter and process	Public Engagement Preparation and Scheduling: survey prep, scheduling, logistics	Public/Stakeholder Consultation: Workshop and Online Engagement, Report to LTC on results	Finalize recommendations and confirm scope of bylaw amendments	Bylaw Amendment Process -drafting of bylaws -approval of draft bylaws (could involve editing stages) -1 st , 2 nd , 3 rd readings (including public hearing), referrals - Approval by Executive Committee -Ministry approval (may take several months)

ALTERNATIVES

1. Do Nothing

That the North Pender Island Local Trust Committee not adopt the STVR Review Project Charter and not proceed with a review of STVR policy.

2. Adopt the Project Charter with Amendments

That the North Pender Island Local Trust Committee adopt the STVR Review Project Charter with the following amendments.....

3. Defer Adoption of Project Charter

That the North Pender Island Local Trust Committee defer the adoption of the STVR Project Charter until...

Next Steps

The LTC adopt the proposed project charter for the North Pender Island STVR Review and direct staff to prepare for, and schedule, public engagement opportunities.

Submitted By:	Narissa Chadwick, RPP Island Planner	January 10, 2020
Concurrence:	Robert Kojima, Regional Planning Manager	January 10, 2020

ATTACHMENTS

1. Appendix 1 – STVR Policy Review Options
2. Project Charter

Table 1:	Timeline Continuum – 18 to 24 Months													
OPTIONS														
1.Extensive Review Extensive Public Engagement	Project Initiation: development and approval of project charter and process	Review of STVRs in operation: research, analysis of existing STVR regs/policies and impacts on affordable rental housing.	Summary of Review Findings	Public/Stakeholder Consultation: Workshops and Online Engagement		Finalize recommendations and confirm scope of bylaw amendments		Bylaw Amendment Process: -drafting of bylaws -approval of draft bylaws (could involve editing stages) -1 st , 2 nd , 3 rd readings (including public hearing), referrals - Approval by Executive Committee -Ministry approval (may take several months)						
2.Extensive Review Limited Public Engagement	Project Initiation: development and approval of project charter and process	Review of STVRs in operation: research, analysis of existing STVR regs/policies and impacts on affordable rental housing. Public	Summary of Review Findings	Consultation limited to one Community info meeting (CIM)	Finalize recommendations and confirm scope of bylaw amendments	Bylaw Amendment Process -drafting of bylaws -approval of draft bylaws (could involve editing stages) -1 st , 2 nd , 3 rd readings (including public hearing), referrals - Approval by Executive Committee -Ministry approval (may take several months)								
3.Limited Review Extensive Public Engagement	Project Initiation: development and approval of project charter and process	Summary report of what is known of STVRs on North Pender.	Public/Stakeholder Consultation: Workshops and Online Engagement		Finalize recommendations and confirm scope of bylaw amendments	Bylaw Amendment Process -drafting of bylaws -approval of draft bylaws (could involve editing stages) -1 st , 2 nd , 3 rd readings (including public hearing), referrals - Approval by Executive Committee -Ministry approval (may take several months)								
4.Limited Review with Limited Public Engagement	Project Initiation: development and approval of project charter and process	Summary report of what is currently known of STVRs on North Pender. Options for amendments	Consultation limited to one CIM	Bylaw Amendment Process -drafting of bylaws -approval of draft bylaws (could involve editing stages) -1 st , 2 nd , 3 rd readings (including public hearing), referrals - Approval by Executive Committee -Ministry approval (may take several months)										
5. Status Quo	Inform public that existing processes and policies related to TUPs for STVRs will continue to be followed. TUP will be processed on a case to case basis.													

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

Background: *Short Term Vacation Rentals review is a one of North Pender Island LTC's Top Priorities. On November 7th 2019, The North Pender Local Trust Committee was provided with a staff report identifying process options to review short term vacation rentals. This Project Charter is based on the recommendation to support a limited review with public engagement process.*

Objectives

- To assess the impact of STVR use and related policy and regulations on North Pender
- To review options for changes to existing STVR regulations and policies

In Scope

- Identification of number and locations of known STVRs operating on North Pender
- Review and analysis of existing STVR regulations and policies
- Public outreach including a community survey and one public 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

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Project Team

Narissa Chadwick	Project Manager
Maple Hung	Admin Support
Jackie O'Neil	GIS Support
RPM Approval: Robert Kojima Date: January 10, 2020	LTC Endorsement: Resolution #: Date: January 30, 2020

Budget

Budget Sources:		
Fiscal	Item	Cost
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2020-21	CIM	\$500
2020-21	Public Hearing	\$1000
2020-21	Legal/Contingency	\$2000
	Total (2020-21)	\$4000



File No.: NP-6500-20
(North Pender STVR Review)
Project

DATE OF MEETING: November 7, 2019
TO: North Pender Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Southern Team
COPY: Robert Kojima
SUBJECT: Report subject: Short Term Vacation Rental (STVR) Policy Review Options

RECOMMENDATION

That the North Pender Island Local Trust Committee direct staff to report back with a draft project charter based on Option 4 which supports a limited review of short term vacation rentals with limited public engagement.

REPORT SUMMARY

The purpose of this report is to seek direction from the North Pender Island Local Trust Committee (LTC) on their preferred option of a review process for existing short term vacation rental policies, specifically as they relate to short term vacation rentals (STVRs) that are currently permitted through temporary use permits (TUPs).

The report recommendation reflects the need for more information on existing conditions and public interest in order to inform decisions related to STVR TUP applications and renewals, and potential amendments to existing STVR policies and regulations. The recommended approach involves analysing what is known of STVRs on North Pender and inviting the public to share their thoughts and interests at a community information meeting (CIM). The report includes a timeline on the history of short term vacation rental policies on North Pender, a summary of what is known of existing indoor guest accommodation, background on the on-going Galiano STVR review project and the identification of options for reviewing short term vacation rentals on North Pender.

BACKGROUND

At the September 5, 2019 North Pender LTC meeting "Short Term Vacation Rentals review" was added to the list of Top Priorities.

As identified in the Official Community Plan (OCP) short term vacation rentals (STVRs) may be permitted outright as an accessory home business where the operator or other person responsible for the vacation rental is living on the same property in a permitted dwelling or cottage. STVRs as a home business includes the rental of a room or a cottage or home (if the owner is living in the cottage). Bed and Breakfast (B & B) are also

permitted as a home occupation form of tourist accommodation. Agri-tourist accommodation, equivalent to home based business accommodation, are also permitted in agricultural zones if accessory to a working farm.

As identified in the OCP short term vacation rentals that do not qualify as home business are not permitted as a principal use in Rural Residential or Rural zones except “where authorized by a Temporary Use Permit” (s.2.1.1.2/2.1.1.1). For the purpose of Temporary Use Permits (TUPs) short term vacation rentals are defined as “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”(s.6.4.1). The Land Use Bylaw (LUB) defines a dwelling as “a building used as a residence for a single household and containing a single set of facilities for food preparation and eating, sleeping and living areas.” A cottage is defined as “a dwelling with the floor area of 56m² or less”.

In addition to allowing short term vacation rentals as home business and when authorized by a TUP, the OCP supports the existence and development of commercial guest accommodation in commercially zoned areas. These areas are designated as Tourist Commercial (TC) on the OCP land use map. The OCP identifies that current zoning would permit 208 commercial guest accommodation units. As of 2005 only 58 had been developed. This information in the OCP has not been updated, but since 2005 there has not been substantial new development.

For the purposes of this report the following abbreviations are used to distinguish the various types of STVR:

STVR (NHB) – Short Term Vacation Rentals Not Home Business = STVRs that are permitted through temporary use permits (TUPs) only. A permanent resident is not required to live on the property.

STVR (HB) – Short Term Vacation Rentals Home Business = STVRs that qualify as home businesses under section 3.5 of the LUB. These businesses provide guest accommodation but no breakfast. There is a fulltime permanent resident on the property. A cottage, bedrooms in the main dwelling or the full main dwelling (if permanent resident is living in cottage or secondary suite) may be rented.

Bed and Breakfast (B&B) – Bed and Breakfast = These are tourist accommodations that qualify as a home business under section 3.5 of the LUB. These businesses provide guest accommodation and breakfast. There is a fulltime permanent resident on the property. A cottage, bedrooms in the main dwelling or the full main dwelling (if permanent resident is living in cottage or secondary suite) may be rented.

Agri-tourist Accommodation (ATA) – Agri-Tourism Accommodation = Tourist accommodation uses that are accessory to working farm operations. These could be run as a B&B (serving breakfast) or as accommodation only (not serving breakfast).

The History of STRVs on North Pender:

STVRs in rural and residential zones have been in operation on North Pender for decades. However, they were not legally permitted until 2016. Over the years North Pender Island Local Trust Committees (LTCs) have demonstrated varying levels of support of STRVs leading to uncertainty, controversy and legal actions. Key events in the history of STVRs on North Pender are as follows:

Previous to 1999 – B&Bs were recognized in Zoning Bylaw No.5 (1978-1996). Specific regulations for B&Bs were included; guesthouses were also included in the zoning bylaw for a period of time. There were no specific

regulations related to STVR(NHB)s. However, there were known to be STVR-NHBs operating in rural and rural residential zones.

1999 - Clear regulation prohibiting STVR(NHB) rental in residential areas under 30 days was introduced into the LUB. TUPs could have been used for STVR(NHB)s in rural and residential zones but no applications were made. There were no specific guidelines on the use of TUPs for STVR(NHB)s in the bylaws.

2000 - Bylaw provisions prohibiting STVR(NHB) rental under 30 days were rescinded in favor of what was considered by the LTC of the time as “status quo” (the permitting of rental accommodation for any length of time in rural and residential zones on North Pender Island). Staff did not concur with the LTC’s interpretation and courts later confirmed that the repeal did not make STVR(NHB)s a legal residential use.

2001 – Regulations supporting Agri-Tourism were added to the OCP and LUB (Bylaws 130 and 131) following application to the LTC for a rezoning by Clam Bay Farm to legitimize that Agri-Tourism operation which had been approved by the Agricultural Land Commission.

2004 – STVR-NHBs proved to be one of the most contentious issues during the initiation of the OCP review process.

2005 – A “Southern Gulf Islands Accommodation Inventory” was undertaken. 81 STVR(NHB)s were identified to be in operation on North Pender representing up to 55% of all accommodation units on the island.

2006 – Policies adopted as a standing resolution identified characteristics of STVR (NHB)s that would be subject to priority enforcement. These included: being advertised on the internet, not being managed by the property owner, complaints against the property, issues related to health and safety.

2005 - 2008 -Various public meetings were convened, as part of the OCP review process, to address the issue of STVR(NHB)s.

2008 - Options for regulating STVR(NHB)s were put forward by staff (including TUPS and/or zoning) following extensive public consultation. The OCP as ultimately adopted provided that STVR(NHB)s would not be permitted as a principal use in rural and rural residential zones. .

2009 - The LTC was successful at the [BC Supreme Court](#) in enforcement of the Timbers (Robert Leslie Conconi). Conconi was ordered to cease operation of the property as a “commercial resort and wedding facility”. The case affirmed that amendments made by a previous LTC had not had the effect of permitting STVRs and that the interpretation of a bylaw by trustees was not relevant. [A later appeal was dismissed.](#)

2014– Amendment to LUB clarified that a bed and breakfast home business can be conducted in either a dwelling or a cottage.

2014 – Following complaints related to the operation of an STVR(NHB), the LTC initiated litigation against operators of an STVR(NHB) (Roles & Schuster). The property owners ultimately ceased operation of the property as an STVR(NHB) before litigation commenced.

2015 - A review of all types of STVRs was initiated as a key priority in a broader review of affordable housing on North Pender. At the time the only permitted short term accommodation were “commercial accommodation units” in commercial zones (hotels, motels, and lodges), agri-tourism in Agricultural zones (AVA) and Bed and Breakfasts (B&B) in Rural and Rural Residential Zones where they qualified as home businesses. The review involved: developing options to address the use of residential zones for tourist accommodation/STVRs;

community consultation; recommending policies and; regulatory amendments to address STVRs and implementing bylaw amendments. Materials related to this process can be found on the [Islands Trust webpage](#).

2017- New bylaws were adopted permitting STVR(HB) outright as home business and providing guidelines for STVR(NHB)s to be permitted by Temporary Use Permit (TUP). In order to support affordable housing, guidelines stated that a TUP for a STVR(NHB) should not be approved in a secondary suite.

The current types of indoor tourist accommodation available on North Pender and the related zones are identified in Table 1 in the next section of this report.

Existing Indoor Guest Accommodation Policies for North Pender:

As indicated in the timeline above, STVRs permitted through TUPs are one of a number of types of legal indoor guest accommodation available on North Pender. The table below compares STVRs through TUPs to other legal indoor guest accommodation available on North Pender. Relevant policies are included in Appendix 1. A map identifying the location of the different zones supporting indoor guest accommodation is included in Appendix2.

Type of Accommodation	Applicable Zones	Regulations	Current Status
STVRs permitted with TUP (STVR (NHB)) A dwelling or cottage or portion of dwelling or cottage used for short term vacation rental that does not qualify as a home business (property is not being used a full time permanent residence).	Rural Residential Zone (RR) Rural Zone (R) Rural Comprehensive Zone (RC1 and RC2), Agricultural Zone (AG) (as permitted by the Agricultural Land Commission)	Property owner must apply to the LTC for a TUP. The LTC decides on TUPs in public meetings. If the TUP is issued it is valid for up to 3 years and can be renewed for another 3 years. After the renewal period a new TUP must be applied for.	Since the introduction of the 2016 STVR(NHB) policies and guidelines, the LTC has issued eleven STVR TUPs. These TUPs were issued for a three year period. The first TUPs issued are coming up for renewal.
Bed and Breakfasts (B&B) Home business (accessory to residential use of the property) comprising of sleeping accommodation and morning meal to paying guests. Can include cottage, rooms in primary residence or primary residence (if owner/operator is living in cottage or secondary suite). Can not include legal secondary suite.	Rural Residential Zone (RR) Rural Zone (R) Rural Comprehensive Zone (RC1 and RC2)	Permitted outright provided that business meets the requirements under 3.5 of the North Pender Land Use Bylaw (see relevant bylaw sections in Appendix A).	As a permit is not required and there has not been a recent inventory of home based business accommodation the current number operating is not known.
Home Business Accommodation Without Breakfast (STVR(HB)) Home Business (accessory to residential use of the property) comprising of sleeping accommodation. Can include cottage, rooms in primary residence or primary residence (if owner/operator is living in cottage or secondary suite). Can not include legal secondary suite.	Rural Residential Zone (RR) Rural Zone (R) Rural Comprehensive Zone (RC1 and RC2)	Permitted outright provided that business meets the requirements under 3.5 of the North Pender Land Use Bylaw (see relevant bylaw sections in Appendix A).	As a permit is not required and there has not been a recent inventory of home based business accommodation the current number operating is not known.

Type of Accommodation	Applicable Zones	Regulations	Current Status
Agri-Tourist Accommodation (ATA): Accommodation located on a working farm includes both indoor and outdoor (camping) accommodation.	AG (Agricultural) zone and the Agricultural Land Reserve;	Agri-tourism accommodation permitted outright to the equivalent of a B&B/STVR(HB) provided it is consistent with the regulations under 3.5.8 of the North Pender land use bylaw (see relevant bylaw sections in Appendix A). The Local Trust Committee may consider applications for rezoning or temporary use permit that would permit agri-tourist accommodation providing for more than 3 units subject to conditions identified in 2.2.20 of the North Pender OCP (see relevant bylaw sections in Appendix A)..	As a permit is not required and there has not been a recent inventory of farm based business accommodation the current number operating is not known. Clam Bay Farm is the only agri-tourism business for which there has been a rezoning.
Commercially zoned guest accommodation: hotels, motels and lodges, can include free standing self contained units such as those at Otter Bay. While in a commercially zoned area, these are part of a strata and are individually owned and rented.	Commercial Zone 2 (C2) and Commercial Zone 3(C3)	Permitted by current zoning in the C2 and C3 zones. Any application outside of C2 and C3 would require a rezoning.	As identified in the North Pender OCP (2007) "The amount of tourist-commercial designated and zoned property has not increased since the mid-1970's. At present there are 8 such properties. In 1991 the number of accommodation units permitted per acre was reduced to prevent large scale resort developments. "The current zoning would permit 208 commercial guest accommodation units; as of 2005, 58 have been developed". This information has not been updated, but it includes Currents at Otter Bay (32 units).

In addition to the legal guest accommodation identified above, there are a number of STVR-NHBs operating illegally. These include the rental of whole dwellings and/or cottage operating where there does not appear to be a permanent resident on the property. This also includes businesses operating on properties where there may be dwellings that are not legal (e.g. lot is too small for a cottage but a secondary dwelling exists on the property). It is not know how many illegal STVR-NHBs exist on North Pender, currently there are five open bylaw files.

The Galiano Island STVR review:

The North Pender LTC is not alone in its interest in reviewing the use of TUPs for STVR-NHBs.

In light of questions emerging as the first TUP renewals come before the Galiano LTC, the Galiano LTC has placed a moratorium on new Galiano Island TUP applications for STVR(NHB) use pending the completion of an STVR review. A discussion paper designed to provide context, analysis, and technical information to inform decision making on STVRs on Galiano has been recently completed and can be found on the Islands Trust website:

<http://www.islandstrust.bc.ca/media/348199/stvr-review-discussion-paper.pdf>

The next step in the Galiano review process is to consult with the community on their perspectives and experiences with STVR(NHB)s on Galiano, with a view toward potentially proposing bylaw amendments and/or policy changes that reflect the community's needs and expectations regarding STVR uses on Galiano Island.

The North Pender LTC could undertake a process similar to Galiano. This option, identified in this report as “Extensive Review Extensive Public Engagement”, is one of the five options elaborated on in the Table 1 in the next section of this report.

South Pender Island is also in the process of initiating an STVR review.

DISCUSSION OF OPTIONS:

Potential options for reviewing existing short term vacation rental policies as they relate to STVRs that are currently permitted through temporary use permits (TUPs) and estimated process timelines are identified below.

Consideration of the options identified should be mindful of the history of STVR review on North Pender. Specifically, as identified above, in 2016 North Pender undertook a very comprehensive review of STVRs which included extensive public consultation. Much information was gathered through this process. Given that only three years has passed it is unlikely that public opinion of STVRs in general has shifted dramatically. However, some residents may have opinions on the use of TUPs for STVRs (introduced as a result of the 2016 process). A limited engagement process would help identify these interests as well as others.

Another consideration is the use of staff time to gather data on existing STVRs that may not have changed substantially. An extensive review process would involve gathering data on existing STVRs which would include a review of online databases such as AirBnb and VRBO. As identified above, a study of tourist accommodation in the Southern Gulf Islands was done in 2005 identifying that there were 81 STVRs on North Pender. At the same time the number of STVRs on Galiano were identified to be 64. A review of Galiano STVRs done in August 2019 identified that there are 72: 27 qualify as home business, 21 have TUPs and 24 are illegal (do not have TUPs or qualify as home based business). If trends are similar to those on Galiano the total number of STVRs will not have changed substantially since 2005. On North Pender we know that there are 11 STVR (NHBs) with TUPs. STVR (NHB) without TUPs and those running as home businesses and B&Bs are not easily inventoried and would require database review.

Bylaw files and feedback from the CRD related to infrastructure capacity provides some indication of STVR impact. The number of open bylaw files (currently five) identifies the extent to which existing unpermitted STVR (NHBs) are problematic. Considering infrastructure capacity the CRD, responding to applications for TUP renewal located in the Magic Lake area (forwarded at the request of the LTC), identify that *“...as long as additional wastewater flows are not generated over and above what can be reasonably expected from a rural residential property, then the system should not see any increased demand”*.

Also to be considered is that North Pender Island is not alone in their interest in reviewing STVRs. Galiano Island is currently advancing their review of STVR policies and regulations. The South Pender Island LTC is also considering initiating their own STVR review process.

Table 1:	Timeline Continuum – 18 to 24 Months													
OPTIONS														
1.Extensive Review Extensive Public Engagement	Project Initiation: development and approval of project charter and process	Review of STVRs in operation: research, analysis of existing STVR regs/policies and impacts on affordable rental housing.	Summary of Review Findings	Public/Stakeholder Consultation: Workshops and Online Engagement		Finalize recommendations and confirm scope of bylaw amendments		Bylaw Amendment Process: -drafting of bylaws -approval of draft bylaws (could involve editing stages) -1 st , 2 nd , 3 rd readings (including public hearing), referrals - Approval by Executive Committee -Ministry approval (may take several months)						
2.Extensive Review Limited Public Engagement	Project Initiation: development and approval of project charter and process	Review of STVRs in operation: research, analysis of existing STVR regs/policies and impacts on affordable rental housing. Public	Summary of Review Findings	Consultation limited to one Community info meeting (CIM)	Finalize recommendations and confirm scope of bylaw amendments	Bylaw Amendment Process -drafting of bylaws -approval of draft bylaws (could involve editing stages) -1 st , 2 nd , 3 rd readings (including public hearing), referrals - Approval by Executive Committee -Ministry approval (may take several months)								
3.Limited Review Extensive Public Engagement	Project Initiation: development and approval of project charter and process	Summary report of what is known of STVRs on North Pender.	Public/Stakeholder Consultation: Workshops and Online Engagement		Finalize recommendations and confirm scope of bylaw amendments	Bylaw Amendment Process -drafting of bylaws -approval of draft bylaws (could involve editing stages) -1 st , 2 nd , 3 rd readings (including public hearing), referrals - Approval by Executive Committee -Ministry approval (may take several months)								
4.Limited Review with Limited Public Engagement	Project Initiation: development and approval of project charter and process	Summary report of what is currently known of STVRs on North Pender. Options for amendments	Consultation limited to one CIM	Bylaw Amendment Process -drafting of bylaws -approval of draft bylaws (could involve editing stages) -1 st , 2 nd , 3 rd readings (including public hearing), referrals - Approval by Executive Committee -Ministry approval (may take several months)										
5. Status Quo	Inform public that existing processes and policies related to TUPs for STVRs will continue to be followed. TUP will be processed on a case to case basis.													

It should be noted that North Pender is currently undergoing a water study. This may result in water licencing requirements for short term vacation rentals. This consideration would come into effect regardless of the review option chosen.

Rationale for Recommendation

The report recommends that the North Pender Island Local Trust Committee direct staff to report back with a draft project charter based on Option 4: Limited Review with Limited Public Engagement.

Short term vacation rentals, specifically STVR(NHBs) have been a contentious issue on the island for decades. New bylaws adopted in 2017 permitting STVR(HB) outright and providing guidelines for STVR(NHBs) to be permitted by Temporary Use Permit (TUP) helped provide regulatory clarity. However, in light of recent questions regarding the impacts of STVR(NHBs) on residents, affordable housing and existing infrastructure capacity (particularly in the Magic Lake area) the LTC has indicated an interest in revisiting the issue again to establish clearer rationale for permitting or not permitting the renewal of existing STVR TUP applications, accepting or not accepting new applications and considering changes to STVR policy and regulation.

Given that a very extensive review, including intensive public engagement, was facilitated in 2016 the same type of detailed process at this time may not be necessary. However, residents may be interested in sharing their thoughts on STVRs since the TUP process was introduced as a result of the 2016 STVR review process. Based on Galiano Island's experience, it may not be an effective use of staff time to engage in a full review and inventory of existing STVRs as numbers may not have changed substantially since an inventory was done in 2005. Analysis of what is know of existing STVRs on North Pender, including bylaw files, and a limited public engagement process may be enough to provide the information LTC members need to feel confident in their STVR decision making moving forward.

Next Steps

The LTC direct staff to draft a project charter and workplan for approval at the next meeting.

Submitted By:	Narissa Chadwick, RPP Island Planner	October 18, 2019
Concurrence:	Robert Kojima, Regional Planning Manager	October 22, 2019

ATTACHMENTS

1. Appendix 1 – Relevant OCP policies and LUB regulations

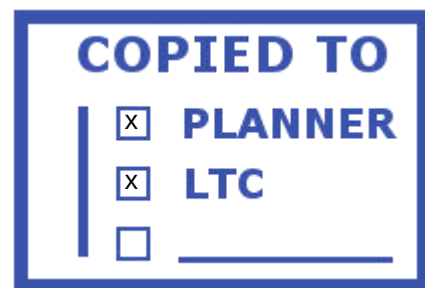
APPENDIX 1: Relevant Official Community Plan (OCP) Policies and Land Use Plan (LUP) Regulations

Type of Commercial Guest Accommodation	Official Community Plan Policies	Land Use Bylaw Policies
Commercially Zoned Guest Accommodation Commercial Zone 2 (C2) and Commercial Zone 3(C3)	2.4 Commercial Land Use 2.4.1.8 The Local Trust Committee may give consideration to regulations increasing the maximum permitted floor area of individual commercial guest accommodation units, provided there is no net increase in the total floor area permitted in each location. 2.4.20 Regulations should require that on-site staff accommodation is provided for larger commercial guest accommodation developments	1.2 Commercial Guest Accommodation Uses Where this Bylaw permits the use of land for commercial guest accommodation units in hotels, lodges, motels or agri-tourist accommodation facilities, the permitted use is the temporary occupancy of the units by a succession of different persons or parties and the owner of the unit may not be in continuous occupancy of the unit for more than 29 days nor in occupancy of the unit for more than 45 days in any calendar year. The intent of this provision is to ensure that commercial guest accommodation units remain reasonably available for rental by members of the public wishing to visit North Pender Island to enjoy its unique amenities and environment. 6.1 Off Street Parking 6.1.2 (h) Hotels/Motels/Lodges/Inns: 1 parking space per Commercial Guest Accommodation Unit 8.5.4 Commercial Guest Accommodation (1) No hotel, motel or lodge building may contain more than 18 commercial guest accommodation units. (2) Subject to subsection 8.5.9, the number of commercial guest accommodation units on a lot may not exceed: (a) in the case of a lot 2 hectares in area or less, 17.4 units per hectare rounded to the nearest whole number; nor (b) in the case of lot having an area greater than 2 hectares , 35 units plus 12.39 units per hectare in excess of 2 hectares, rounded to the nearest whole number, but no lot may have more than 60 commercial guest accommodation units.
Vacation Rentals permitted as Home Businesses (STVR-HB) and (B&B):	2.1.2 Land Use 2.1.2.3 Short term vacation rentals may be permitted as accessory home businesses where the operator or other person responsible for the vacation rental is living on the same property in a permitted dwelling or cottage. 2.1.3 Home Based Business and Home Industry 2.1.3.1 Home Based Business shall be permitted as secondary to a principal residential use only.	3.5 Home Business Regulations: 3.5.4 Not more than four persons per lot may be employed in any home business in addition to any residents of the premises in which such business is carried on, and at least one of the employees of a home business must live on the premises. In the case of a short term vacation rental, the operator or another person responsible for the vacation rental must live in a permitted dwelling or cottage on the property. 3.5.8 The following additional regulations apply to bed and breakfast home businesses: (1) not more than 6 guests may be accommodated at any one time; (2) not more than 3 bedrooms may be used to accommodate guests; (3) in addition to the 2 parking spaces required for the dwelling, one additional parking space for each bedroom

		used for bed and breakfast accommodation must be provided, despite Subsection 3.5.7; (4) no rental of equipment or material is permitted except to registered guests; and (5) a bed and breakfast home business must be conducted solely within a principal dwelling or cottage. 3.5.11 No more than one dwelling or one cottage may be used for a short term vacation rental on a lot. 3.18.6 A secondary suite may not be used as a short term vacation rental or a bed and breakfast home business. 6.1 Off Street Parking 6.1.2 (j) Use: Bed and Breakfast Guest Houses Parking Spaces Required: 1 per room used or intended to be used for Guest Accommodation
Agri-tourist Accommodation (ATA):	2.2.17 Zoning changes should not be considered that would allow multi-family, industrial, institutional or commercial developments in the Agriculture designation except for agri-tourist accommodation which is accessory to a working farm operation. 2.2.20 Agri-tourist accommodation may be permitted as the equivalent of bed and breakfast accommodation. The Local Trust Committee may consider applications for rezoning or temporary use permit that would permit agri-tourist accommodation providing for more than 3 units, provided that: a) the use is accessory to working farm operations; b) the use is on agriculturally designated land that is in the ALR; the application is consistent with ALC policies; c) the working farm will continue in operation and will not be adversely affected; d) potable water of sufficient quantity for both farming and non-farming use is available; e) sewage disposal facilities are suitable; f) on-site parking is adequate; g) the impact of increased traffic on adjacent roadways is considered; h) the environmental and climate change impact of the proposal is considered; i) and the impact on adjacent properties is addressed. 2.2.21 The Local Trust Committee may consider temporary commercial use permit or rezoning applications to permit accessory campgrounds as agri-tourist accommodation. In addition to the criteria established in policies 2.2.20 and 2.1.2.7 (Rural Land Use), applications for accessory campgrounds in this designation shall not exceed 10 campsites, campsites and indoor units shall be considered equivalent for purposes of density and applications should comply with relevant Agricultural Land Commission policies.	8.3 Agricultural Zone 8.3.2 Permitted Uses (e) agri-tourist accommodation as an accessory use, subject to subsection 8.3.7, and as permitted by the Agricultural Land Commission. 8.3.7 Agri-tourist Accommodation (1) agri-tourist accommodation must be accessory to a working farm operation; (2) agri-tourist accommodation must be situated on land that is in the AG (Agricultural) zone and the Agricultural Land Reserve; (3) agri-tourist accommodation must be situated in a permitted dwelling or cottage. (4) agri-tourist accommodation may include associated uses such as meeting rooms and dining facilities for paying registered guests, but may not include a restaurant or any commercial or retail goods and services other than those permitted by the Agricultural (AG) Zone; (5) the maximum number of guests that may be accommodated in any agri-tourist operation at any one time, either alone or in combination with a bed and breakfast, is not to exceed 6 guests and 3 bedrooms.

	2.4.3 Commercial accommodation or retail commercial centres in the Agricultural Land Reserve will not be permitted except for agri-tourist accommodation which is accessory to a working farm operation.	
Short Term Vacation Rentals not Qualifying as Home Business (STVR (NHB))	Official Community Plan Policies (there are no land use bylaw policies)	
	2.1.1 Rural Residential Land Use 2.1.1.2 Commercial guest accommodation uses, including short term vacation rentals, shall not be permitted as a principal use except where authorized by a Temporary Use Permit. 2.1.1.3 Short term vacation rentals may be permitted as accessory home businesses where the operator or other person responsible for the vacation rental is living on the same property in a permitted dwelling or cottage 2.1.2 Rural Lands Use 2.1.2.1 The principal uses on lands in the Rural land use designation shall be residential and agricultural. 2.1.2.2 Commercial guest accommodation uses, including short term vacation rentals, shall not be permitted as a principal use except where authorized by a Temporary Use Permit. 2.1.2.3 Short term vacation rentals may be permitted as accessory home businesses where the operator or other person responsible for the vacation rental is living on the same property in a permitted dwelling or cottage. 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. 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. 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. 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. 6.4.5 The landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles. 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. 6.4.7 The Permit should restrict advertising to one unilluminated sign, with a maximum area of 0.6 m². 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. 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. 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; 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 m², and if the building has received an occupancy permit for residential use under the BC Building Code. 6.4.12 In addition to any other conditions the LTC may consider appropriate, in some situations the permit may: a) Limit the number of bedrooms that can be used for short term vacation rentals;	

	b) require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening; c) require the landowner/operator to post contact information and permit information at the entrance to the property; d) prohibit camping or occupancy of RVs on the property; e) prohibit the rental or provision of motorized personal watercraft; f) prohibit watercraft that has been brought from off island to be used on Magic Lake or Buck Lake; g) prohibit outdoor fires; and h) establish the dates during which the use may occur. 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." 6.4.14 A temporary use permit may not be issued for a short term vacation rental within a secondary suite.
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From: dau min [REDACTED] >

Sent: Tuesday, October 27, 2020 6:33 PM

To: Benjamin McConchie <bemcconchie@islandstrust.bc.ca>; Deb Morrison <dmorrison@islandstrust.bc.ca>; Laura Patrick <lpatrik@islandstrust.bc.ca>

Cc: Phil Testemale <ptestemale@islandstrust.bc.ca>

Subject: Input on STVR Draft Bylaw for North Pender as well concerns re: Renewal of TUPs during a global pandemic

Hello,

I am writing in follow up to my previous letter of September 5, 2020. In that letter I expressed my concern that high density STVRs risk the social health of a community as well as drive up housing costs due to speculative buying. This has shown to be a worldwide concern, not simply a Pender Island concern. While I am not in favour of STVRs being allowed in the Magic Lake subdivision due to the small lot size, I am willing to work towards a compromise as long as the social health of my community is not affected.

I have reviewed the recommendations and suggestions from the CRD planning department for the October 29 North Island LTC Electronic Business Meeting. If the Trustees are of the opinion that that STVRs are in the best interest of the North Pender Island community then I ask that:

1. The distance between STVRs (and BnBs if they are to be included in the new bylaw) be no less than 500m.
2. STVRs must have a local on island contact if the homeowner is not in residence on the property. This contact is to be available 24/7. While some concerns may not necessitate immediate response, all noise complaints must be responded to in person regardless of the time of day or night.
3. A TUP issued for 3 years with no opportunity for renewal. This will allow STVRs to be “mobile” and minimize the impact on any one area/neighbour over the long term.

4. A sign to be placed on the property indicating that the owner is applying for a STVR TUP. The sign will be posted no less than 4 weeks before the meeting to review the application.
5. If renewals are to be granted, a sign be placed on the property indicating a renewal is being requested. Again, the posting should be for no less than 4 week.
6. That all neighbours in a 500m radius from the property be notified 4 weeks in advance of a TUP application as well as a renewal application if renewals are allowed. *The current process does not allow for timely community consultation prior to a possible renewal.*
7. All current TUPs will be responsible to immediately adhere/conform to the new bylaws once the new bylaws are enacted.
8. STVRs are limited to 30 days total rental from May 1 to September 30. *My preference is for a maximum of 21 consecutive days to one person. There is a concern if the STVR is rented out for 30 consecutive days to one "designate" person (who then allows a variety of alternating friends/family to utilize the STVR) the rental will count as a 30 day long term rental (not STVR). In this scenario, the 30 day rental would then not count towards the maximum number of days allowed, allowing the guest(s) to bypass the intent of the bylaw.*
9. From October 1-April 30 STVRs will be limited to a maximum of 2 weeks out of every four week period unless being used as a 30 plus day rental.
10. No outdoor fires for STVRs. This does not include BBQs but does include propane fireplaces.
11. STVRs are a business in a residential area. Businesses can elect to be nonsmoking, including non-smoking in the outdoor area. It is disappointing and unneighbourly when the landlord has the indoor premises as non-smoking but allows the guests to congregate outside, upwind from the neighbours. I suggest, at a minimum, that all requests from

adjoining properties for the STVR to be non-smoking outside (at the time of TUP application) be automatically granted even if the owner allows for indoor smoking. This includes all types of tobacco, marijuana, vaping, etc.

With respect to the renewal of TUPs on October 29 and onwards.

1. I strongly encourage that the North Pender trustees and the CRD take the “opportunity” of the pandemic to include a section in the bylaw that allows for a TUP to be temporarily put on hold during times of public health emergencies such as we are experiencing with SARS-CoV-2. For example, when the MOH asks for non-essential travel to be curtailed, the TUPs for STVRs are automatically temporarily rescinded and the applicants notified.
2. Further to #9, it is my opinion that all TUPs currently up for renewal today (October 29) should be declined for the next 6 months. Is it reasonable to be encouraging tourist travel over the next 6 months or is it more reasonable for the TUPs currently up for renewal to shift to 30 plus day rental during the 2020-2021 winter?
3. If the trustees decide that renewal of TUPs are reasonable and tourism should continue to be encouraged I ask conditions be placed on the TUP re: responsibilities of the homeowner as well as future guests. These conditions could include but not be limited to:
 1. The homeowner is to email all potential guests the SGICRC's pamphlet re: Visiting the SGI: Pre-Trip Planning, prior to the STVR being booked. The pamphlet is required reading prior to booking. I attach a copy.
 2. The TUP applicants agree not to rent out the STVRs when non-essential travel is not recommended by the MOH.

3. The guests must read, sign, and confirm they have understood the information provided by the STVR with respect to the rules and responsibilities of the STVR rental as it pertains to the pandemic. This information could reasonably include:
 1. The requirement to adhere to the (current) recommendations of the MOH as it pertains to physical distancing, and social bubbles etc.
 2. The requirement to adhere to the rules posted by local businesses re: the wearing of facial coverings, physical distancing and hand washing, etc.
4. The TUP applicant is required to keep the names and phone numbers of all the guests (including those that visit the guest at the STVR) for a 30 day time period so as to assist in contact tracing.

Thank you,

Daurel Minion

From: Mark Kroeker <[REDACTED]>

Sent: Monday, November 16, 2020 2:06 PM

To: Kim Stockdill <kstockdill@islandtrust.bc.ca>; Robert Kojima <rkojima@islandtrust.bc.ca>; Phil Testemale <ptestemale@islandtrust.bc.ca>; beacon1 <[REDACTED]>

Subject: North Pender Island short term vacation rental bylaw

TO: North Pender Island Local Trust Committee

CC: Kim Stockdill, Island Planner Southern Team

CC: Robert Kojima, Regional Planning Manager

SUBJECT: NP STVR Review – TUP Guideline Amendments:

I write to you to express my concerns about the proposed changes to the STVR bylaw which I see in the draft proposal presented at the recent Island Trust meeting of October 29/20

I will note my concerns by reference to the staff document presented at the October 29 meeting.

- 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.

The suggestion that limiting the days that a short term vacation rental may operate is quite simply unacceptable. The reason that people are interested in short term rentals in our experience operating a Short term vacation is to take advantage of the gulf island experience primarily during the summer months when children are out of school. In order for us as operators to be limited to 30 summer days will have a significant negative impact on all vacation home operators because 90% of our revenue comes during these months.

The beneficial impact of short term vacation rentals is anecdotal but it must be significant. Ferry traffic is a sure indicator of the fact that families are using the ferry during the summer months. Pender Island businesses will all suffer the trickle down effect of reduced business if the vacation home operators are restricted in this way. There are no changes needed or called for to the short term rental policy as it exists.

As owners and operators of a short term vacation rental property we take very seriously our long standing responsibility of contributing positively to the vibrant community on North Pender Island. I draw your attention to the over 50 positive reviews that our VRBO listing has generated over the years that we have been operating.

We have not received any complaints from neighbours that have resulted from our Vacation rental activities over the time we have been operating. We have very specific guidelines which we promote and enforce with all of our guests. I am happy to provide a copy of our house rules for your reference on your request.

The vast majority of our guests over the years have been multi-generational families some of whom have been returning for 5 or more years to our home at 2602 Harpoon Road. These guests are choosing our home for several reason that include the following:

- extreme privacy on a large 3 acre waterfront property.
- enough bedrooms and privacy to accommodate families with three generations.
- waterfront access for kayaking and boating.

I urge the council and the advisory planners that are considering changes to the STVR bylaw to carefully consider the many positive impacts that visitors bring to the gulf islands.

- Island businesses thrive during the peak summer months helping them to survive the quiet winter months where visitors tend not to come.
- Ferry services have been severely curtailed due to COVID and will suffer further reductions if island traffic demand does not recover. This is a negative not a positive effect on Island residents.
- The Gulf Islands and North Pender Island specifically have very limited conventional hospitality options and Short Term Vacation rentals have become sought after destinations for local BC residents looking for affordable vacations and provide significant economic benefits.
- The local farmers market viability is significantly impacted by summer visitors, and will suffer significant impacts if summer visitors are throttled back by lack of accommodations.
- Kayak rentals / bike rentals / wineries / pubs and restaurants all depend on summer visitors to survive. Vacation visitors are crucial to this economic eco system.
- Many of the owners of vacation homes are families like ours that rely on the income generated to maintain our property and in my Mothers case to supplement her limited retirement income. Imposing these onerous restrictions will have a significant negative impact.

In conclusion I can see no compelling basis for regulating and strangling the viability of short term vacation rental operators by the proposed summer use changes.

Thank you for your consideration.

Respectfully ,
Mark Kroeker

Sent from [Mail](#) for Windows 10

From: dau min <[REDACTED]>

Sent: Saturday, September 5, 2020 10:50 PM

To: Benjamin McConchie <bemconchie@islandstrust.bc.ca>; Deb Morrison <dmorrison@islandstrust.bc.ca>; Laura Patrick <lpattick@islandstrust.bc.ca>; Narissa Chadwick <nchadwick@islandstrust.bc.ca>

Subject: Concerns re: STVR Staff Report Recommendations for the Sept 10 IT Meeting.

Hello,

As I am unable to attend September 10 North Pender Island Trust Meeting (ZOOM)
I am writing to express my concern and, at times, disagreement with a few of the recommendations put forth in the Staff Report re: STVRs on North Pender.

I have also reviewed the results of the STVR Survey of March-April 2020. I note that the owners of STVRs were emailed notification about the survey whereas Pender residents were not. Instead the residents were required to be on Facebook (I am not), or be notified by word or mouth in order to know how to participate. One could argue that by sending the owners of STVR an email and not the Pender residents the survey is invalid.

A couple of recommendations in the Staff Report concern me.

Table 1 (page 17)

6.4.3 The recommendation to amend the guideline to specify that no more than 2 STVR TUPs *within a 100m radius*.

I disagree with this recommendation for Magic Lake and other small lot subdivisions. Theoretically under this guideline, depending on the lot size, every 2-4th house could operate as an STVR. This recommendation does also not take into account the illegal STVRs now operating. This new recommendation risks permanently altering the fabric of our community by decreasing the number of permanent residents who provide most if not all the volunteer work for Pender (including the Fire Department). I also disagree with the 200m rule. A 400m radius would be my preference.

6.4.9 The recommendation is to change the radius of people being notified of the STVR from 200 m to 100 m.

I disagree. Sound travels very well on Pender, it does not stop at 100m. Permanent residents deserve to have a phone number and name readily available to contact. We should need to get in our car, or walk up the street, often in the dark, and approach the visitors in the STVR directly. Having a contact name, phone number and address also assists when we need to contact the RCMP and other authorities such as the Fire Department.

I also do not think the recommendations go far enough. Consideration should be given to recommending that the STVRs owners be responsible for removing all invasive plant species as best as possible. For example, removal of Broome, Spurge Laurel ,Tansy Ragwort etc. A house operated as an STVR is a business. A business which has a responsibility for the safety of its guests as well as to decrease the spread of invasive plant species on Pender. Some invasive

weeds (Spurge Laurel) are toxic to humans and risk serious injury / illness to naive guests, their children and pets. Why would they not be removed?

In the Staff Report the Island Planner (Kim Stockhill), and the Regional Planning Manager (Robert Kojima), argue that limiting the number of operational days / weeks per year a STVR may operate would be too difficult to monitor and enforce. I disagree. Mr. Kojima has previously mentioned more Bylaw officers are being hired to deal with the STVR issues. Additionally, computer programs have been developed to deal with this issue. Many communities have similar restrictions in place. London, Spain, Germany, Netherlands, to name a few, all moved to limit the number of days per month and weeks per year an STVR could operate when the previously unrestricted development of STVRs resulted in significant local issues including a decrease in the social health of the neighborhoods in larger cities. These new limits on "days of operation" helped restore the social health of the community as well as decreased speculative housing purchases. Afterall, STVRs are not a Pender issue, they are a worldwide concern. It is imperative we learn from the experience of others. If other communities can successfully monitor STVRs with these restrictions, Pender should be able to as well. I would impress upon you that one of the Island Trust's mandates is protection of the community.

I am not against STVRs. However they are, for the most part (on Pender), a business being run in areas zoned residential. In the case of Magic Lake, the lots are small and the 100m radius recommendation would result in a high density of STVRs relative to long term residents. This will ultimately change the social fabric of our community to the detriment of all. Additionally, when the STVR homeowner does not reside in residence, it is the neighbours that deal with the increased noise, illegal fires and increased traffic while the STVR owner gets the coin. This leads to resentment. STVR homeowners make the argument that they need to rent out their property to cover expenses/ mortgage payment. What the homeowners do not readily admit to is that they obtained a mortgage for the property based on a risk assessment of the owner's income and assets when purchasing the property. In other words, the cash flow generated by the STVR was never needed for the purchase of the property nor to cover basic expenses. Operating their property as a STVR simply helps with the owner's overall cash flow (and indeed makes a profit), and increases the owner's standard of living.

It seems reasonable to me that those individuals who chose to operate a STVR take the time to acknowledge their responsibility to the Pender Island community and meet us " halfway". A rental limited to one week per 4 weeks Easter to October and a maximum two weeks out of 4 weeks for the rest of the year would go a long way in helping Pender maintain a healthy dynamic community. I also think putting a minimal rental period during the summer season (5 days) has the potential to decrease or make a dent in the (ferry) overloading issues from June to the end of August. A week's rental during the summer should be more than able to cover all of the owner's STVR expenses for the month such as insurance and taxes. Remember, the homeowner did not need to operate their second home as a STVR to obtain a mortgage for the property. There is a cost to owning a second home and it is only reasonable that the owner assume some of this cost.

We are a small community with limited infrastructure and resources. One of our resources is people, those permanent residents capable or willing to do many of the essential volunteer work

needed to make Pender what it is. High density STVRs operating unfettered year round pose a significant risk of disrupting this tenuous balance. Large businesses such as Currents, Poets, Woods on Pender, already exist to accommodate many of the tourists. No community, including Pender, can be all things for all people at all times. It is essential that the Island Trust consider the long term health of the Pender community when making their recommendations for STVRs.

Sincerely,

Daurel Minion

From: Jim Burrows <[REDACTED]>

Date: September 8, 2020 at 8:30:21 PM PDT

To: Benjamin McConchie <bemcconchie@islandstrust.bc.ca>, Deb Morrison <dmorrison@islandstrust.bc.ca>, Narissa Chadwick <nchadwick@islandstrust.bc.ca>, Laura Patrick <lpatrik@islandstrust.bc.ca>

Subject: STVR review

Hi everyone,

While I am a full-time resident of North Pender, I'm afraid I have to miss your meeting where you will address STVR's.

I have quickly read the staff report and I have to say I have some pretty big concerns I'd like you to consider. Anecdotally, it seems that a few full-time residents seem to agree with me.

First, the survey that was used as the basis for the staff report, was very suspect. Most full-time residents I have spoken to did not even know there was a survey! However, it appears it was sent directly to all STVR owners. That immediately tells me that the results are biased, suspect at least, and/or invalid. I urge you to dismiss this report and seek a way to get better, unbiased input.

Second, the staff analysis performed on the results appeared to be similarly biased in favour of STVR's. The staff report is riddled with comments such as.... there doesn't seem to be much opposition to STVR's as ONLY 20% of respondents do not want STVR's. The emphasis on ONLY is mine. If you look at the report, the other answers are all very close to 20% so I don't understand why the word ONLY was used in this context. 20% of a biased survey is pretty significant in my mind. This sets up a complete un-factual reporting bias and reflects the tone of the entire report. I'm not sure I understand why?

Having pointed out that the survey participant selection was biased and, that the analysis of same seems to be equally biased, I'd like to reflect on STVR's in general.

The whole world seems to be wrestling with this same question about the value of STVR's. San Francisco, New York, Toronto and Vancouver, to mention a few, are desperately trying to undo STVR and Air B&B regulations as their communities have been devastated by same.

We can also look at communities (or ex-communities) like Whistler and Tofino to see similar erosion of community values that has caught local officials by surprise. Local residents have been forced out of the community as a result of rising home prices and taxes. Those locals who remain and need to find work are now forced to live elsewhere as costs rise and travel in to serve the vacationing gentry.

It has been well documented that communities are ruined by STVR's, Next door friends and neighbours become tourists who only stay for a few days. A local resident can no longer 'pop next door' to borrow a cup of sugar or ask for help with the leaking tap. Full-time neighbours are reduced to be tour guides at best, providing information on things to do on Pender, or worse, complainers who have to live next to houses that are constantly turning over exuberant, vacationing groups. Can we not live more simply than this? Aren't we OK with reasonable house

prices, fewer restaurants and fewer tourists? The business community is of course much better organized and is pushing the 'growth at all costs' agenda. That cost will be our community as we encourage such trends by allowing non-residents to profit from our community.

There is ample evidence STVR's do not improve the local economy. They do inflate real-estate values beyond the reach of locals. Most of the revenues go to off-islanders who are using the funds to support their second-home mortgage payments and property taxes. The few dollars that remain in the community go toward low paying service jobs, changing bed sheets and cleaning toilets. Surely we can focus on better job creation opportunities than that! A full time resident in the same house would equally support local restaurants and other businesses. Sure, some local full-time residents need to supplement their income. I say we should allow them to rent-out a room in their house or on their property. This would help preserve community.

But, our Island is already buckling under the onslaught of visitors.... roads are jammed in summer.... cycling is impossible.... toilet paper and garbage is appearing in our parks as overnight campers stay where they can. Ferries are over-booked to the point that locals can't get to 'town'. It takes over an hour of waiting in a ferry terminal to ensure we get on a 45 minute ferry ride.

Do we really need more tourism? The realtors will say yes and organize to push this agenda. Some other local businesses say yes as they try to make money from tourists in the season. But it seems to me the local community, my neighbours and friends, say no! We need to preserve and protect our community by banning STVR's and Air B&B's operated by non-full-time property owners. If we don't, we are destined to become a new Tofino/Whistler.... no community, just a vacation destination.

Thanks for considering my opinion and thanks for all your efforts looking after our community.

Best Regards
Jim Burrows

From: Pender Botanicals <[REDACTED]>
Sent: Wednesday, November 25, 2020 12:28 PM
To: npltcwebmail <npltcwebmail@islandstrust.bc.ca>; SouthInfo <SouthInfo@islandstrust.bc.ca>
Subject: Proposed changes to Bylaw No 222 amending the TUP

To the North Pender Island Trust Committee:

I am writing with reference to the proposed changes to Bylaw No 222 amending the TUP. There is a lot of stringency here I find alarming.

The major issue the Committee fails to recognize is that the TUP holders are the law-abiding community here. The majority of short-term rentals that occur on Pender, probably three-quarters, are done by folks who own a two level home and rent one level out, sometimes with as many as three suites. These in-home rentals are a completely unregulated activity. If you want to look at fixing known problems that can come with rentals, first identify the suites/houses and get all of us who rent to apply for a licence each year. There are three of these rentals on my block that I know of; there may be more. There is a private website on North Pender who advertises for their members as well. The owners of those places don't apply for TUPs nor do they advertise on sites like AirBnB or VRBO.

Use the money that comes in from a licencing fees to hire a university student with no ties to Pender to find the unregulated rentals.

Please identify what's going on: don't look at penalizing the TUP holders as your first line of defence. We are your friends and neighbours. We need to rent out space on our property to make ends meet. So do most of the folks who rent out space in their

homes. Privacy is a precious commodity. We're trading it off for groceries.

If you are genuinely concerned about water conservation, each owner who applies for a permit would need to demonstrate the installation of a water-efficient toilet and shower head. Why not charge by the bedroom? A ten-bedroom rental would have a different fee than a studio.

With regards to the 30 day only rental in summer, this is every rental's bread and butter. It makes no sense to prevent TUP holders from renting. Poets Cove and Woods are full. The campsites are full. There is nowhere for tourists to stay on this island. In order to keep the businesses we appreciate so greatly, the bakery, the bookstore, our restaurants, the gallery etc., we need to provide accommodation for visitors. Crews coming in from off-island to work on Pender need places to stay as well. They stay in the rental suites, usually in the off-season.

Another proposed change that could be disastrous for my business is the 200 metre distance from one TUP STVR to another. Since I live one hundred percent of my time on Pender and rent out a tiny cottage on the property, if a neighbour wanted to rent out their place, I could potentially get shut down. There is an issue of fairness: how long does one business get to run? However, since I am here and taking part in the community, I am not participating in "hollowing out the community," a concern that is often voiced about STVRs and absentee owners.

As Dr Bonny Henry reminds us, "Be kind. Be calm." I love this island. I want to be respectful of its resources and protect it as much as you do.

Respectfully,

Zoe Landale

--

. . . nearby is the country they call life

Rainer Maria Rilke

From: Michael Cowan <[REDACTED]>
Sent: Monday, January 25, 2021 1:12 PM
To: Kim Stockdill <kstockdill@islandstrust.bc.ca>; btestemale@islandstrust.bc.ca
Subject: Feedback Re: Proposed Bylaw No. 222
To: Kim Stockdill, Island Planner and Phil Testemale, Planner 2
Re: Proposed Bylaw No. 222
From: Michael Cowan, 1607 Schooner Way, Pender Island, BC

January 25, 2021.

Greetings,

I wanted to respond to the upcoming meeting re: Proposed Bylaw No. 222 and provide some feedback.

As I understand it, to some extent the revision of the STVR by-laws have been started out of concern that that STVR's impact long term housing for residents. Although I understand this argument, I disagree that it is a valid concern for Pender Island. STVR's are owner-occupiers or vacation-home owners. People who own property on Pender do so because they want to be here. They use their homes. Owner-occupiers like myself, those who own the home in which they live, may supply the short-term rental market with spare rooms and cohabit with guests or they may supply their entire home during temporary absences. Either way, the participation of owner-occupiers in the short-term rental market does not cause a reallocation from the long-term rental stock if these housing units are still primarily used as long-term rentals in the sense that the owners are renting long-term to themselves.

I would argue that many, if not all STVR's on Pender would not be rented to long-term tenants anyway. There is an inherent restrictiveness of long-term leases causing vacation home-owners to not want to rent to long-term tenants. In either case, whether owner-occupiers or vacation-home owners, these homes would not be made available to long-term tenants independently of the existence of STVR's. Instead, STVR's provide these owners with an income stream for times when their housing capacity would otherwise be underutilized.

Using our home as an example we would welcome the opportunity to offer our home as a STVR so others can experience the beauty of Pender. Indeed, it is because of STVR's that we have purchased our home on North Pender. After ten years of vacationing here and it becoming increasingly difficult to find accommodation (particularly in the last two years) and a desire to retire here we decided it would be wise to invest in a home here. We can clearly state that we would not rent our home out long term regardless of by-laws. We plan on being Pender at least six months of the year and not over a specific time frame. To say that STVR's decrease the supply of rental units to potential residents may be the case in a city like Vancouver where there are many absentee landlords but that is not the case on Pender. People who own property Pender do so because they want to be here. They use their homes. They may not be able to live here full time for multiple reasons but they do live here part time.

Another concern mentioned is water use. Water is a concern on all the islands in the summer; however, this is not reason to deny STVR's. Our home can sleep six people and often on the weekends we have friends visit and there are six of us. We make them aware of the water issues on the island and they are

respectful and conserve water as per our instructions. This also serves to educate people about water conservation and hopefully they take that home with them. When we have stayed at STVR's on Pender we have read the "house rules" at each STVR we have stayed at and all mention water and specific conservation tools. I suggest that the actual number of STVR's does not nor will not impact water use.

6.4.4 The Local Trust Committee should not approve more than one short term vacation rental temporary use permit within a 200-metre radius from another short-term vacation rental temporary use permit.

The inclusion of this by-law is discriminatory. If my neighbour or neighbours already operate a STVR why can't I do so as well? Simply because there may be a couple of STVR's in one area should not limit home owner's options to have one as well. As I understand it parking may be an issue. If there is to be a reasonable limit on the number of occupants in a STVR (I suggest that be based on the number beds a home has) than it would make sense for there to be appropriate parking for the renters on the property not on the street.

It is unfair that my neighbours are permitted to run a STVR and I am not simply because they applied prior to me or moved into the neighbourhood before I did. The impact of the number of STVR's in one neighbourhood versus another is negligible and the benefits from STVR's to the greater Pender economy (see my discussion below) outweigh them.

6.4.15 In addition to any other conditions the Local Trust Committee may consider appropriate, in some situations the permit may:

1. 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;

The inclusion of this by-law is far too restrictive and makes no sense. It means that out of the five months of the summer (when STVR's stand to profit the most) they are limited to renting their property out only 20% of the time. STVR's contribute greatly to the economy. As I mentioned earlier over the last two years it has become increasingly difficult to vacation on Pender Island. Prior to purchasing our home on Pender, we stayed in STVR's. That money went to the home owner and was far more affordable for us than to stay at Poets Cove which we could never afford. We spent money at the market, always bought art, ate out, and bought locally supporting the community. Without STVR's as accommodation options the economy would suffer greatly. Local residents would lose their jobs and businesses would close (as the pandemic is quickly teaching us). Restricting the number of days STVR's can be utilized will have significant unintended consequences. I would also argue that if a STVR is confirmed to be used on a regular basis by the property owners then the restriction should be unnecessary. If a restriction is deemed necessary, we ask that it be a more reasonable restriction (120 days) which would allow the business to be sustainable during the time of highest demand.

Thank you for taking my comments into consideration.

Best Regards, Michael Cowan

From: Pauline O'Malley <[REDACTED]>
Sent: Monday, January 25, 2021 6:59 PM
To: Kim Stockdill <kstockdill@islandstrust.bc.ca>; Benjamin McConchie <bemconchie@islandstrust.bc.ca>; Deb Morrison <dmorrison@islandstrust.bc.ca>; Phil Testemale <ptestemale@islandstrust.bc.ca>; Maple Hung <mhung@islandstrust.bc.ca>
Subject: Bylaw 222 - For January 28, 2021 Meeting and beyond

Please accept this letter.

Dear Trustees, Madam Chair, CRD Planners and all parties concerned.

We are recipients of the TUP established over 3 years ago and subsequently received our renewal permit. Thank you.

While we are in agreement with the majority of Bylaw 222, there are two sections that we believe should be deleted.

They are 6.4.4 and 6.4.15 a, b, and c for the reasons listed below.

STVRs have been satisfying the demand for multi-family vacationers who wish to stay together at an accommodation where they can share a kitchen since the 1950's.

<https://blog.keycafe.com/the-history-of-short-term-rentals/>

Homes do not like being vacant for long periods of time either. They need to be lived in to stave off the effects of moisture and pests, and keep the mechanicals of the property working properly.

The Gulf Islands have been enjoyed by many as a vacation destination for decades. As a result, the tourism industry has been providing extra income and opportunities to the families and individuals who have made the decision to live full time on Pender Island.

Restricting places to stay on Pender will restrict employment opportunities for the people who currently live on the island or wish to live here in the future.

While I completely agree that there has been a full time rental issue on the island, for both people who wish to live here all year round, as well as for part time seasonal workers during our busy tourist season, curbing the number of legal STVRs will not resolve this issue. Homeowners, like myself, need to be on Pender some of the time and some of the time elsewhere. That being said, I cannot rent out my house full time to anyone for this reason.

North Pender Island has a year-round population 2067 according to the 2016 census. It is my understanding that there are only 12 TUPs STVR's for all of North Pender Island and not one of these has had any formal citations or fines filed against them. Based on the Survey results <http://www.islandstrust.bc.ca/media/349672/survey-results.pdf> the current TUP process appears to be working.

The findings of this Survey are significant. Out of 132 respondents who live and/or own property on North Pender Island:

- 70% are Permanent resident property owners (92)
- Only 10% of the respondents are current or previous STVR operators on NP (13)
- 70% stated that they have Not experienced problems with the operation of STVR operations on North Pender

The results of the survey should not be dismissed.

The property owners who have acquired, and since have had their TUPs renewed, have worked hard to stay compliant and keep their TUP status. It is our understanding that if we are ever in breach of the very specific requirements in our TUP we will be put on notice and subsequently fined and/or at risk of having the TUP terminated. We expect property owners who are not in keeping with current bylaws of any type should be warned and then subsequently fined.

I ask Council to remove

"6.4.4 The Local Trust Committee should not approve more than one short term vacation rental temporary use permit within a 200 metre radius from another short term vacation rental temporary use permit."

and consider each TUP on a case by case basis. 200 meters is longer than two football fields in length. (A football field is 100 yards or 91.44 m). 200 metres can incorporate as many as 40 lots in Magic Lake in its circumference. There is no evidence that supports the need for this new provision in the circumstances. It would be unfair to existing and new potential STVR owners to include this provision. Again please treat each TUP on its individual merits.

With respect to

"6.4.15 In addition to any other conditions the Local Trust Committee may consider appropriate, in some situations the permit may:

a) limit the number of bedrooms that can be used for short term vacation rentals;

be deleted as this should be noted in the individual TUP on a house by house basis.

b) limit the number of guests to 6 for properties located within the Magic Lake Estates Water System Area;

be deleted as this should be noted in the individual TUP on a house by house basis.

c) limit the number of days the short term vacation rental may be in use from the period of May 1 to September 30 in a calendar year to a total of thirty days;"

be deleted in its entirety as the primary time for short term rentals is the summer months.

In the Survey, when asked, "When should STVRs be allowed to operate?", 80% stated that they were in favor in some form, with 60% stating All year round. Only 20% responded "Not at all" and a very small fraction, 5%, said that they should not operate in the summer.

It is IMPORTANT to note that in this particular Survey question, "groundwater is most impacted (most impact Sept-Dec)", and not the summer.

Our house, like most peoples, is expensive to maintain. We need to rent it out at the peak of tourist season being June 1 to September 1 to obtain the most return in the shortest period of time.

Finally the people who service our house during the summer are relying on the opportunity to do so for money on a weekly basis during the summer.

In summary, we ask that Bylaw 222 sections 6.4.4 and 6.4.15 a, b, and c be deleted.

Thank you for your kind consideration.

Pauline O'Malley

[REDACTED]

[REDACTED]

January 29 2021,

North Pender Island Trustees and CRD Planners,

I wanted to write to discuss some of the aspects in the proposed bylaw 222 regarding STVRs. I apologize for the length of this letter, however I felt there are significant issues that need to be clarified in writing.

I am the proud holder of a TUP for our cottage on North Pender. I have been coming to the island since I was young and we have a long family history on the island. For decades we use to rent a neighbours cabin 'under the table' without issue, and like many owners, we also use to have family friends borrow ours, or visit in the summer and never had an issue. However, I am so glad that there is a permit process now so there is a level playing field, consistent rules, and a way to engage with neighbours. I have been a supporter of having some form of permit for STVRs on Pender for many years.

My family and I work hard to be great hosts to guests, and see ourselves as ambassadors to visitors. The TUP process was fairly confusing and time consuming, but we are really glad that there are guidelines for everyone and all our neighbours are aware we occasionally rent our cottage out. We haven't had any formal issues or noise bylaw violations, and we regularly check in with our neighbours and the vast majority have been very positive about it. We also screen our guests, restrict the number of guests, send them a lot of information about the rules and community, and have had to get special and expensive commercial insurance. We have even installed a security camera on the outside of the house so we can ensure that even if we are not there, we know how many people and when they are entering the property, and if they were being loud outside, we would be able to track that and manage it.

I am comfortable with some of the items in bylaw 222, and I understand that the community wants to be able to evaluate the impact of STVRs and adjust bylaws to target issues. I participated in the survey and I know a number of my neighbours also submitted responses.

I have read through the findings of the survey but I am surprised that they are leading to a bylaw change when they seem to point to the majority of the community (70% of the survey) have not experienced issues and the majority support STVRs, and the current bylaws. It seems like the results of the survey are being dismissed, because they don't reflect the opinion of a loud minority.

I'm concerned that STVR guests get wrongly blamed for increased ferry traffic, all the noise issues, water shortages, and reducing long term rental housing. STVR may have an impact of some of these, however we have to separate out the issues we are trying to solve, and be specific with policies to mitigate them.

The 3 key questions are:

- why are we changing the rules if they are working well?
- what do we hope to achieve with each of the changes?
- is changing the STVR rules an effective strategy to improv these issues?

Ferry Traffic

Some of the justifications used to restrict STVR is to reduce ferry traffic. However the ferry traffic at peak times has been bad for decades, not just the last 3 years because of STVR guests. Are STVR guests really the main cause of increased ferry traffic?

There are roughly 7 types of ferry passengers:

- The roughly 2000 “locals” who are fulltime but still a lot of them travel regularly.
- What I hear is roughly 1500 owners and their families who are only on the island part time (particularly in the summer). Note that a lot more of them can now work from home and are coming to the island more frequently and there is nothing we can do about that.
- The hundreds of friends that join owners as guests especially in the summer. Many of our neighbours regularly have guests at their house, but they are not tracked, they don't need a special permit or insurance, and they can have as many as they want as often as they want, even when they are not there.
- The hotel guests at Poets Cove and the Woods. I can only guest but since Poets Cove has 15 cottages and 9 villas, and the Woods holds at least 65, are there 200 hotel guests on a peak summer weekend?
- Campers. I have no idea how many camp spots there are on the island but I suspect it is close to the capacity of all the STVRs.
- Temporary workers. We regularly get desperate requests from employers and temporary workers such as carpenters, road works, and hydro workers. They can't afford to stay at Woods or Poets Cove and want to have a kitchen and comfortable place to stay.
- STVR guests. Since there are only around a dozen TUPs I would assume that most of them only allow around 4 or 6 people. So, we are talking about around 75 people coming to North Pender STVRs? That number is a tiny portion of traffic.

We all hear it at the grocery store; a local commenting about all the ‘strangers’. But we have no idea if those visitors are owners (one of my neighbours only comes 1 week a year and the house is empty the rest), guests of locals, hotel guests, campers, boaters from the marina, extended family, or STVR guests.

Without surveying all the ferry riders, I don't know how we can know who is who, so why specifically target reducing STVR permits (a group that is likely less than 3% of the peak summer weekend population of the island), in an effort to reduce ferry traffic, when they are likely just a tiny number of travelers?

Water Usage

This disconnect continues into other issues such as water. Yes, our guest use the shower. However, if I rented it out full time or I lived there fulltime it would be using at least double the water per month. Plus, I don't have any garden, or lawn, or irrigation, and we only have 1 shower. My neighbours have a full grass lawn that they regularly water and mow, so compared to my guests showering, who are only there a portion of the month, I think we have more effective ways to target water reductions than restricting STVRs.

Proximity and noise.

Since we don't have a significant number of noise issues, we have full time police on the island, noise bylaws, and no formal violations, I don't think we really have a significant issue of noise from permitted STVRs. I don't understand why you want to make such a significant spacing requirement of 200 meters

as in 6.4.4. Also, just because STVR are spaced out it doesn't mean that the guests will be any quieter. I have never been to a party that decided to be quieter because they are 10 blocks away from another party rather than 2 blocks away? Blanket rules on proximity, aren't the best solution to the concern.

Re Item 6.4.4

I'm asking Council to remove 6.4.4 and not set a minimum radius. Council is involved in each STVR TUP and engages with each neighbourhood during the permit process. If the neighbourhood feels that there are already too many STVRs in close proximity, then let's have that discussion during the TUP review process. Setting a blanket radius could mean that two locations, that are 30+ houses apart, and multiple streets away, and even separated by forests, parks, ocean, or mountains, could not both have a permit, even though they are not even in the same neighbourhood.

Also there has been discussions of the idea of 'rotating TUPs' to spread them out. We don't do that with other types of business permits so why STVRs? We don't shut down one great restaurant after 3 years, just to give someone a shot at opening a restaurant across the street instead. It is a lot of work to set up a STVR and follow the rules and engage with the neighbourhood. Rotating permits, just so another location can operate will create a lot of resentment, force a new process, and unnecessarily shuts down permits that are working hard to comply.

Re Item 6.4.15

6.4.15 a- This should be removed and the number of bedrooms should not be limited. Technically my cottage is 3 bedrooms even though it is only 700 square feet. Yes that is correct we have beds for 7 people, in a 700 Sqft cottage. It isn't the number of bedrooms that matter, it is the number of guests. We only allow a max of 6 guests to rent our cottage, and 75% of our guests are just couples of two, or a family of 4 (2 children). A large, 3 bedroom house, on 10 acres of land should be allowed to have a different number of guests than my tiny cottage on a magic lake lot. Don't limit the bedrooms, consider the max number of guests per permit.

6.4.15 c) This should be removed. There is no clear need to limit the number of days of operation in different times of the year. The Survey had a somewhat leading question that should have been 2 parts. "When should STVRs be allowed to operate?" implies that there was a need and option to restrict the times of the year when they could operate. The answer even had an option for "Not at all", even though that isn't really the question. STVRs are operating no matter what, and we have spent years debating the permit process. Even still, 60% stating "All year round". Only 20% responded "Not at all" and a very small fraction, 5%, said that they should not operate in the summer. None of those results should have led to a new restriction on summer only.

Obviously, the primary time for short term rentals is the summer months. This is like asking the community "When should the marina be allowed to operate" and having an option that says "Close the marina", alongside an option to "stop the marina being open in the summer"? We aren't discussing how to eliminate all visitors, or how to eliminate the STVR TUP. The community has the capacity and permit process to have STVRs operating. You are already effectively limiting the number of visitors by limiting the number of number of TUPs and setting the allowable number of days per month per property. Why then add a blanket restriction based on the summer calendar? Control numbers by

controlling the number of TUPs, the number of days per month per TUP, and the number of guests allowed per TUP.

Overall, I ask that ask that Bylaw 222 sections 6.4.4 and 6.4.15 a, b, and c, be removed.

Please use the survey results diligently, recognize that overall, the STVR TUP process has been a big success, continue to work with the TUP holders, only make adjustments to the rules if they clearly and effectively address real issues identified by research, and not just complaints by a few locals who actually don't want any tourists coming to their island. We have come a long way from party houses without permits, and still have very few STVRs compared to most communities. Let's keep supporting tourism, all the cleaners, maintenance people, and home owners who are taking pride in being ambassadors for our island.

Thank you for reading all of what turned into a very long letter,

Sincerely,

Neil Pegram and family.

neil.peggram@gmail.com

January 29 2021,

North Pender Island Trustees and CRD Planners,

I wanted to write to discuss some of the aspects in the proposed bylaw 222 regarding STVRs. I apologize for the length of this letter, however I felt there are significant issues that need to be clarified in writing.

I am the proud holder of a TUP for our cottage on North Pender. I have been coming to the island since I was young and we have a long family history on the island. For decades we use to rent a neighbours cabin 'under the table' without issue, and like many owners, we also use to have family friends borrow ours, or visit in the summer and never had an issue. However, I am so glad that there is a permit process now so there is a level playing field, consistent rules, and a way to engage with neighbours. I have been a supporter of having some form of permit for STVRs on Pender for many years.

My family and I work hard to be great hosts to guests, and see ourselves as ambassadors to visitors. The TUP process was fairly confusing and time consuming, but we are really glad that there are guidelines for everyone and all our neighbours are aware we occasionally rent our cottage out. We haven't had any formal issues or noise bylaw violations, and we regularly check in with our neighbours and the vast majority have been very positive about it. We also screen our guests, restrict the number of guests, send them a lot of information about the rules and community, and have had to get special and expensive commercial insurance. We have even installed a security camera on the outside of the house so we can ensure that even if we are not there, we know how many people and when they are entering the property, and if they were being loud outside, we would be able to track that and manage it.

I am comfortable with some of the items in bylaw 222, and I understand that the community wants to be able to evaluate the impact of STVRs and adjust bylaws to target issues. I participated in the survey and I know a number of my neighbours also submitted responses.

I have read through the findings of the survey but I am surprised that they are leading to a bylaw change when they seem to point to the majority of the community (70% of the survey) have not experienced issues and the majority support STVRs, and the current bylaws. It seems like the results of the survey are being dismissed, because they don't reflect the opinion of a loud minority.

I'm concerned that STVR guests get wrongly blamed for increased ferry traffic, all the noise issues, water shortages, and reducing long term rental housing. STVR may have an impact of some of these, however we have to separate out the issues we are trying to solve, and be specific with policies to mitigate them.

The 3 key questions are:

- why are we changing the rules if they are working well?
- what do we hope to achieve with each of the changes?
- is changing the STVR rules an effective strategy to improv these issues?

Ferry Traffic

Some of the justifications used to restrict STVR is to reduce ferry traffic. However the ferry traffic at peak times has been bad for decades, not just the last 3 years because of STVR guests. Are STVR guests really the main cause of increased ferry traffic?

There are roughly 7 types of ferry passengers:

- The roughly 2000 “locals” who are fulltime but still a lot of them travel regularly.
- What I hear is roughly 1500 owners and their families who are only on the island part time (particularly in the summer). Note that a lot more of them can now work from home and are coming to the island more frequently and there is nothing we can do about that.
- The hundreds of friends that join owners as guests especially in the summer. Many of our neighbours regularly have guests at their house, but they are not tracked, they don't need a special permit or insurance, and they can have as many as they want as often as they want, even when they are not there.
- The hotel guests at Poets Cove and the Woods. I can only guest but since Poets Cove has 15 cottages and 9 villas, and the Woods holds at least 65, are there 200 hotel guests on a peak summer weekend?
- Campers. I have no idea how many camp spots there are on the island but I suspect it is close to the capacity of all the STVRs.
- Temporary workers. We regularly get desperate requests from employers and temporary workers such as carpenters, road works, and hydro workers. They can't afford to stay at Woods or Poets Cove and want to have a kitchen and comfortable place to stay.
- STVR guests. Since there are only around a dozen TUPs I would assume that most of them only allow around 4 or 6 people. So, we are talking about around 75 people coming to North Pender STVRs? That number is a tiny portion of traffic.

We all hear it at the grocery store; a local commenting about all the ‘strangers’. But we have no idea if those visitors are owners (one of my neighbours only comes 1 week a year and the house is empty the rest), guests of locals, hotel guests, campers, boaters from the marina, extended family, or STVR guests.

Without surveying all the ferry riders, I don't know how we can know who is who, so why specifically target reducing STVR permits (a group that is likely less than 3% of the peak summer weekend population of the island), in an effort to reduce ferry traffic, when they are likely just a tiny number of travelers?

Water Usage

This disconnect continues into other issues such as water. Yes, our guest use the shower. However, if I rented it out full time or I lived there fulltime it would be using at least double the water per month. Plus, I don't have any garden, or lawn, or irrigation, and we only have 1 shower. My neighbours have a full grass lawn that they regularly water and mow, so compared to my guests showering, who are only there a portion of the month, I think we have more effective ways to target water reductions than restricting STVRs.

Proximity and noise.

Since we don't have a significant number of noise issues, we have full time police on the island, noise bylaws, and no formal violations, I don't think we really have a significant issue of noise from permitted STVRs. I don't understand why you want to make such a significant spacing requirement of 200 meters

as in 6.4.4. Also, just because STVR are spaced out it doesn't mean that the guests will be any quieter. I have never been to a party that decided to be quieter because they are 10 blocks away from another party rather than 2 blocks away? Blanket rules on proximity, aren't the best solution to the concern.

Re Item 6.4.4

I'm asking Council to remove 6.4.4 and not set a minimum radius. Council is involved in each STVR TUP and engages with each neighbourhood during the permit process. If the neighbourhood feels that there are already too many STVRs in close proximity, then let's have that discussion during the TUP review process. Setting a blanket radius could mean that two locations, that are 30+ houses apart, and multiple streets away, and even separated by forests, parks, ocean, or mountains, could not both have a permit, even though they are not even in the same neighbourhood.

Also there has been discussions of the idea of 'rotating TUPs' to spread them out. We don't do that with other types of business permits so why STVRs? We don't shut down one great restaurant after 3 years, just to give someone a shot at opening a restaurant across the street instead. It is a lot of work to set up a STVR and follow the rules and engage with the neighbourhood. Rotating permits, just so another location can operate will create a lot of resentment, force a new process, and unnecessarily shuts down permits that are working hard to comply.

Re Item 6.4.15

6.4.15 a- This should be removed and the number of bedrooms should not be limited. Technically my cottage is 3 bedrooms even though it is only 700 square feet. Yes that is correct we have beds for 7 people, in a 700 Sqft cottage. It isn't the number of bedrooms that matter, it is the number of guests. We only allow a max of 6 guests to rent our cottage, and 75% of our guests are just couples of two, or a family of 4 (2 children). A large, 3 bedroom house, on 10 acres of land should be allowed to have a different number of guests than my tiny cottage on a magic lake lot. Don't limit the bedrooms, consider the max number of guests per permit.

6.4.15 c) This should be removed. There is no clear need to limit the number of days of operation in different times of the year. The Survey had a somewhat leading question that should have been 2 parts. "When should STVRs be allowed to operate?" implies that there was a need and option to restrict the times of the year when they could operate. The answer even had an option for "Not at all", even though that isn't really the question. STVRs are operating no matter what, and we have spent years debating the permit process. Even still, 60% stating "All year round". Only 20% responded "Not at all" and a very small fraction, 5%, said that they should not operate in the summer. None of those results should have led to a new restriction on summer only.

Obviously, the primary time for short term rentals is the summer months. This is like asking the community "When should the marina be allowed to operate" and having an option that says "Close the marina", alongside an option to "stop the marina being open in the summer"? We aren't discussing how to eliminate all visitors, or how to eliminate the STVR TUP. The community has the capacity and permit process to have STVRs operating. You are already effectively limiting the number of visitors by limiting the number of number of TUPs and setting the allowable number of days per month per property. Why then add a blanket restriction based on the summer calendar? Control numbers by

controlling the number of TUPs, the number of days per month per TUP, and the number of guests allowed per TUP.

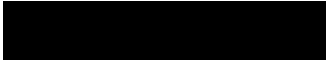
Overall, I ask that ask that Bylaw 222 sections 6.4.4 and 6.4.15 a, b, and c, be removed.

Please use the survey results diligently, recognize that overall, the STVR TUP process has been a big success, continue to work with the TUP holders, only make adjustments to the rules if they clearly and effectively address real issues identified by research, and not just complaints by a few locals who actually don't want any tourists coming to their island. We have come a long way from party houses without permits, and still have very few STVRs compared to most communities. Let's keep supporting tourism, all the cleaners, maintenance people, and home owners who are taking pride in being ambassadors for our island.

Thank you for reading all of what turned into a very long letter,

Sincerely,

Neil Pegram and family.



From: [REDACTED]
Sent: Wednesday, January 27, 2021 2:49 PM
To: Kim Stockdill <kstockdill@islandstrust.bc.ca>
Cc: [REDACTED]
Subject: STVR Proposed bylaw 222

I am respectfully requesting that you remove the following from the proposed bylaw 222 Section 6.4.15. Clauses a, b, and c.

We have been compliant TUP holders and STVR operators for over 15 years.

There is no evidence that a problem exists based on the surveys and previous public meetings held so I do not see the need to make such restrictive changes.

In addition doing anything to impede economic recovery over the summer for businesses on the island is reprehensible. Clearly restricting access to STVRs will impact those businesses who provide services. This shows a complete lack of empathy for the impact of the pandemic on people who live and work here.

Remember the people who live here are also part of the unique nature of the island. It's about balance not total disregard for the working community.

Sincerely

Marlee and Dale Lovatt

Sent from my iPhone

From: Mark Kroeker <[REDACTED]>
Sent: Wednesday, January 27, 2021 4:44 PM
To: Kim Stockdill <kstockdill@islandstrust.bc.ca>; Benjamin McConchie <bemconchie@islandstrust.bc.ca>; Deb Morrison <dmorrison@islandstrust.bc.ca>; Phil Testemale <ptestemale@islandstrust.bc.ca>; Maple Hung <mhung@islandstrust.bc.ca>
Subject: Proposed Changes to STVR bylaw

Dear Trustees, and CRD Planners,

We are the owners and operators of the STVR property located at [REDACTED] North Pender.

I write to you in advance of your meeting on January 28 in hopes that you will consider our concerns as expressed below.

While we understand that there is rationale in support of Bylaw 222 as drafted, there are two sections that we believe should be deleted as drafted.

They are 6.4.4 and 6.4.15 a, b, and c for the reasons listed below.

Our "Orca View Lodge" home has become a favorite destination for repeat multi-generational family holidays much like ours.

It has been suggested that the effect of the SVTRs has somehow been detrimental to the sustainability of island life as it is currently.

I am unaware of any empirical data or analysis thereof that would support this conclusion. If such a study exists I think it would be important to share this with the community prior to implementing these significant changes.

We as owners have lived and been part of the community on North Pender since 1987 and are extremely concerned about the changes to the use bylaw that is being considered.

As previous operators of a Bed and Breakfast in our home we have been keenly aware of our responsibility as an STVR operator to minimize the impact on the community we are part of.

We are unaware of ANY issues that have resulted from our STVR operation which have had any impact on our neighbors or the island sustainability.

I submit that these proposed changes are unjustified in the best case and will be injurious and harmful to SVTR operators to the point where many like us may simply be forced to close their small business.

I am requesting that Council consider amendments and remove :

"6.4.4 The Local Trust Committee should not approve more than one short term vacation rental temporary use permit within a 200 metre radius from another short term vacation rental temporary use permit."

and consider each TUP on a case by case basis.

With respect to:

"6.4.15 In addition to any other conditions the Local Trust Committee may consider appropriate, in some situations the permit may:

a) limit the number of bedrooms that can be used for short term vacation rentals;

I request that this be deleted as this could be noted in the individual TUP on a case by case basis. The punitive nature of the proposed bylaw would have an immediate and direct impact on families who plan years in advance to rent homes such as our 8 bedroom home for family reunions.

b) limit the number of guests to 6 for properties located within the Magic Lake Estates Water System Area;

be deleted as this should be noted in the individual TUP on a house by house basis. Our home was built in accordance with existing zoning regulations and has been designed with 8 bedrooms allowing for intimate family gatherings and would be unfairly targeted by the proposed bylaw change.

c) limit the number of days the short term vacation rental may be in use from the period of May 1 to September 30 to a total of thirty days;"

I request that this section be deleted in its entirety as the primary time for short term rentals is the summer months. As others have stated the summer months are really the only time when families can plan for one or two week visits to the gulf islands. Please do not take away this privilege to serve these needs in the community.

We are extremely concerned about these proposed changes and the impact on our pending renewal application which we understand will be considered at an upcoming meeting.

We understand that the Island Trust seeks to respond and address urgent community concerns and needs. I do not believe that proposed changes to the STVR bylaw are urgent or necessary at this time.

I believe that the existing approval process could be used to fine tune to effectively monitor and regulate a better outcome than the bylaw changes as drafted.

Thank you for your consideration.

Sincerely,

Lenora Kroeker Mark Kroeker

Don Kroeker

From: Jim Burrows <jimburrows@me.com>

Sent: Wednesday, February 17, 2021 3:42 PM

To: vicphsub <vicphsub@islandstrust.bc.ca>; Deb Morrison <dmorrison@islandstrust.bc.ca>; Ben McConchie <benmconchie@gmail.com>

Subject: By Law amendment re STVRs

I am writing to provide my comments on the STVR bylaw amendment 171, 2007

First, many thanks to the IT staff and Trustees for all the hard work and caring that has gone into this bylaw, and other activities on our behalf. And thank you for the opportunity to provide my input.

My comments can be summarized under 3 headings:

PRESERVING THE RURAL NATURE OF THE ISLAND:

There appear to be fewer restrictions on STVRs outside of Magic Lake. In order to help preserve the rural nature of the island, I would like to see NO STVR's allowed in the Rural and Agricultural parts of the island. It would seem we already have large properties/houses establishing themselves as multi-unit resorts in Rural areas, and with this bylaw revision limiting STVR development in Magic Lake, I fear that will place more STVR development pressure on Rural areas. Pender is known for its quiet Rural nature which needs to be aggressively protected. If not a complete ban, then at the very least a limit of one STVR per property, with suitable distance of 500meters between STVR's, should be considered.

WATER TABLE ISSUES ON THE TRINCOMALI PENINSULA:

Trincomali has a water shortage problem and presumably this is why STVR's will not be allowed there. Wells in Neptune Estates (the subdivided lots off Pirates Road, between Trincomali and Magic Lake) draw from the very same water table as the Trinco water system. If Trinco has a well water issue, then so does the rest of the peninsula. The water table levels in this area are monitored by the BC Govt operated Observation/Measurement Station just across from Sharks Place on Pirates Rd. This monitoring station has shown a deteriorating water table over the long term, indicating we should be preserving this water table before it results in dry wells and/or salt water incursion, which is not reversible. I would like to see STVR's in the area between Trinco and Magic Lake be restricted in the same manner as Trincomali because of these concerns.

WORDING:

The wording of the bylaw, using a lot of 'should' and 'may' terms, is pretty soft. There are no hard and fast rules therein and each TUP application may therefore be considered in light of any particular Trustee/Planner's mood of the day. This bylaw amendment leaves a lot of room for Trustees and Planners to amend or even bypass these 'rules' using their personal bias on same. In my view the OCP, by-laws and any amendments should firmly entrench our community derived rules and not allow individual judgement to bypass same. the bylaw 'rules' should be firm, not simply guidelines.

Many thanks for allowing my voice to be heard,

And thanks again for doing a great job for us.

Yours Sincerely

Jim Burrows

I have been a STVR operator for 3 years and my TUP is up for renewal this year. The proposed changes contained in Bylaw 222 could affect my ability at getting my renewal. I support the TUP process and believe that STVR's on Pender (and everywhere else) need to be regulated. I have strictly adhered to all the rules and to my knowledge there have been no complaints against our license and I am regularly in contact with my neighbors to ensure there is minimal impact to them. In the past 3 years as an STVR operator, I have never received one phone call or email voicing any concerns from my neighbors or from our on-island contact about renters on my property. To be respectful to Pender and our neighbors, we don't allow pets or any outdoor fires at any time and have a comprehensive set of house and neighborhood rules.

The first concern I have is the restriction of STRV operators needing to be living on the Island or living on the premises. I live on the Lower Mainland and so by that definition would no longer qualify for a TUP. I feel that is unfair. I pay full taxes and water usage charges like everyone else so should have some ability to enjoy my property as I like. We typically come to our property every month even if it is just for the weekend as we love it here. We do regular maintenance and landscaping on our lot to keep it looking kempt and attractive. I understand water consumption is a concern on Pender; our property uses a fraction of the water that other homeowners use and we don't have lawns to water and are unoccupied approximately 50% of the year.

I read some of the letters and looked at the survey results. If in fact there are only 12 STVR rentals on North Pender, I am surprised that so much attention is being given to such a small number of property owners. I wonder if the frustration and disapproval that I read in some correspondence is due to the illegal operators out there. The TUP owners become easy targets because we are easily trackable. Perhaps resources can be employed to shut down illegal operations which I strongly believe are likely the cause of the majority of reported problems. I know there are concerns about the lack of long term rentals on the Island. I can only speak for my property, but if we were unable to have a STVR, we would not be open to long term rentals as we come here every month and therefore having no impact on the shortage of rental housing here.

I know that full time residents are concerned regarding the Pandemic and visitors coming to Pender and I get that. For those of us using AirBnB to manage our rentals, there are several enhanced measures to keep everyone safe, and we are in full compliance of those measures. These includes spacing at least 3 days between stays, enhanced cleaning protocols and full refunds for anyone who experiences Covid related challenges. In addition, we encourage our visitors to bring their own food and avoid frequenting the grocery store, restaurants and other services. We are only hosting BC residents at this time. Our guests come here to relax, have a change of scenery and enjoy the beautiful outdoors.

I know some full time residents are concerned about the amount of traffic, ferry bookings and volume of people on Island. We come to Pender every month and only find any significant traffic, busy ferries and such on long weekends and during summer months. It is very quiet here from October to May which we love! A bustling summer brings economic activity and often a great synergy similar to many other summer destinations. I know that many of the full-time residents host guests and see an increase of visitors during summer months as well.

I think that the article limiting rentals to 30 days between May 1-September 30 is overly restrictive. Summer traffic supports local artisans, and STVRs are much more affordable options so it allows everyone to enjoy Pender. If it is felt a limit is required, perhaps 60-75 days is a more viable number (approx. 50% of the 5 month period)

I have a concern with the radius limit. I think we are within a 200M radius of another STVR operator so that would again eliminate our ability to renew our permit which I think is unfair. I understand that it is optimal not to have a high concentration on one street, around Magic Lake etc but this should be evaluated without a radius requirement. For example, it might be better to have two STVR rentals side by side as there is less impact on neighboring full time residents. I understand that there might need to be an overall limit to the number of total STVRs allotted on North Pender out of fairness to hotels, resorts and B&Bs. Once the cap is reached then those seeking renewals or new TUPs would have to go on a waitlist, similar to a rental cap in a stratified building.

There will always be polarizing views on the topic of STVRs on Pender as there are in other regions of the Province. I feel the best course of action is fair regulation and enforcement, in particular, cracking down on illegal operators. I don't feel that increased regulations against current TUP owners are necessary.

Thank for your time and please let me know if you have any questions or clarifications around the points I have made.

Sincerely,

Darryl Persello

STVR operator and TUP holder North Pender Island



From: Doreen B <doreenbeb@gmail.com>

Sent: Monday, February 22, 2021 8:56 PM

To: Kim Stockdill <kstockdill@islandstrust.bc.ca>; Laura Patrick <lpattick@islandstrust.bc.ca>; Deb Morrison <dmorrison@islandstrust.bc.ca>; Benjamin McConchie <bemcconchie@islandstrust.bc.ca>

Subject: STVR 3rd reading February 25, 2021

I would like to offer my thoughts on proposed Bylaw No. 222. I do not support the issuance of any Temporary Use Permits for STVRs. STVRs should only be permitted as home-based businesses where the owner of the property is present to engage with the visitors staying in their home or cottage. The TUP model is complicated and sets up a long list of rules and regulations for someone to enforce; bylaw enforcement is time consuming and expensive.

I have been fighting the STVR battle since 1999 and I have seen how unhosted weekly rentals hollow out neighbourhoods in small-lot subdivisions such as Magic Lake Estates. I am extremely lucky to live on a road with many permanent residents as neighbours, and Chuck and I have worked hard to foster a sense of neighbourliness here. We keep an eye on our neighbours' places when they are away.

I hope that the trustees will amend the proposed STVR bylaw and remove the provisions allowing for Temporary Use Permits for STVRs.

Doreen Ball

Sent from my iPhone

From: L THOMSON <lrnthomson@shaw.ca>

To: vicphsub@islandstrustbc.ca, dmorrison@islandstrust.bc.ca, benmcconchie@gmail.com

Sent: Tue, 23 Feb 2021 18:46:06 -0700 (MST)

Subject: TUP's for STVR submission

Please find attached a submission regarding the use of Temporary Use Permits to allow Short Term Vacation Rentals.

Thank you for considering our input.

SincerelyMarian & Lindsay ThomsonNorth Pender



February 23, 2021

To: North Pender Island Local Trust Committee
Debra Morrison
Benjamin McConchie
vicphsub@islandstrust.bc.ca

Regarding: Bylaw No 222Temporary Use Permits for Short Term Vacation Rentals on North Pender Island....“ 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.....”

The Temporary Use Permit process is itself a very subjective process as evidenced at the April 26, 2018 North Pender Island Local Trust Committee meeting where temporary use permit NP-TUP-2017.2 was issued regardless of the thirty-two direct neighbourhood residents submitting a petition asking it be denied

Then there is the question of Sustainability. Set out in your proposal are the stresses of resource consumption:

section 6.4.14:

“The permit should require the applicant post the following information for guests:

- a) Remind guests that the property is located in a residential area;
- b) Information on noise bylaws, water conservation, fire safety, outdoor burning, wildfire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted);
- c) Emergency services.....
- d)when the short term rental is in use.

All the stresses mentioned in 6.4.14 are clear examples of Short Term Vacation Rentals being a negative benefit to the Island and it's residents when addressing resource management, air quality, population density and quality of life.

Will opening the door to the Short Term Vacation Rental business define us as a resource island rather than a satellite community? (another stress....ferry use) Will absentee business ownership become the flavor of the day? Are STVR's viable given our resource stresses? Will profits support local economic growth or leave to support global lifestyles? Who oversees process and compliance. Will there be residency requirements? Who will adjudicate? And finally.....do we want to wake up every two weeks wondering who our neighbours will be.

These are not easy questions, and as much as TUP's may seem like a solution to control the impact of STVR's , opening the door to the Short Term Vacation Rentals business on North Pender may open doors that can never again be closed. It is difficult to envision a process that can fairly arbitrate who is allowed to open a business and who isn't.

Ultimately, when reflecting how this could negatively impact us, we do not feel we can support this motion.

Thank you for all the time and work you dedicate to making Pender a strong and viable community.

Sincerely ,
Marian & Lindsay Thomson
5593 Hooson Road
Pender Island, BC
V0N 2M1



From: dkregehr@telus.net <dkregehr@telus.net>
Sent: Wednesday, February 24, 2021 5:46 PM
To: vicphsub <vicphsub@islandstrust.bc.ca>
Subject: Submission for North Pender Island Bylaw 222

Hello,

I would like to offer up some comments and would like to ask for clarification in regard to the upcoming proposed bylaw amendment.

6.4.15 In addition to any other conditions the Local Trust Committee may consider appropriate, in some situations the permit may:

c) limit the number of days the short term vacation rental may be in use from the period of May 1 to September 30 in a calendar year to a total of thirty days;

I may support this, but would like clarification: Who would be responsible for monitoring the regulation? Would there be regulations in place for the period from October 1 to April 30 or would an unrestricted amount of rental days be permitted?

d) require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening;

I strongly support that the permit holder be required to install fencing to ensure the guests are aware of the property lines.

f) prohibit camping or occupancy of RVs on the property;

I am in support of the above... does this also include all /any occupants including family members and friends when the owner is not on the premises?

j) establish the dates during which the use may occur

I would like clarification regarding the above. What does this mean and what would the purpose be?

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

I would be in support of a bylaw that allowed a STVR-TUP ONLY if the owner was onsite at all times during the rental period. More like a bed and breakfast model. I believe Salt Spring Island has adopted this.

Thanks for taking the time to read my email and look forward to your feedback.

Doug Regehr
4727 Buccaneers Rd

February 19, 2021

Dear Island Trustees Morrison and McConchie:

Re: Proposed North Pender Island Local Trust Committee Bylaw No. 222

Submitted to the public hearing record.

I would like to begin this submission by thanking you, Dr. Morrison and Mr. McConchie, for your service as trustees to the North Pender Island community. I understand that some of my comments today are repeating some of the concerns previously expressed, however I am requesting that this letter be part of the record for the public hearing taking place on this bylaw.

Dr. Morrison, in your December 2019 Trustee Report you reference mandates from both the Islands Trust Act and from the Local Government Act, and the “tricky balance” these pose for decision making. Particularly with issues that appear to be at odds with one another, such as economic activity and environmental sustainability. I appreciate that finding this balance is no easy task.

With that in mind, I note that Bylaw No. 222 proposes significant changes for short term vacation rentals (STVRs) and issuance of temporary use permits (TUP). As long time home owners, active participants in the Pender Island community and advocates of green development and environmental preservation, I would like to offer the following observations, comments, and suggestions.

The proposed revision of Part 6, Temporary Use Permits Policies and Guidelines features a number of changes, many of which appear to uphold values of importance to us and others in the community. These include, but are not limited to: 6.4.10, provision of information outlining sensitive environmental areas; 6.4.11, reasonable advertising space; 6.4.14, provision of information encouraging guests to operate in a respectful and considerate manner. Measures such as these are important to ensure that North Pender Island evolves in ways that contribute to respectful and cooperative community.

Dr. Morrison and Mr. McConchie, the proposed bylaw also includes two changes that are real concerns to all of us that are operating micro enterprise Short term rental homes. These are the proposed limit on the number of guests permitted in a single STVR and the proposed limit to the number of days an STVR may operate during the summer months.

Although it has been suggested that the increased volume of tourists in STVRs during the summer months may add some additional demand to the Magic Lake Estates water system, there is no data to support this theory. I suggest that these concerns may be mitigated without the proposed measures of the bylaw. For example:

- Education and awareness of the need for environmentally friendly tourism could be provided by owners of STVR and the wider North Pender Island community to promote considerate tourist activity. Some operators are actively doing this already.
- 1) The economic implications of restricting tourism on North Pender Island may be severe. Please see an outline of some economic concerns below:

Over the past 30 years, North Pender Island has slowly developed the basic services and amenities that contribute to a healthy and sustainable economic eco-system on the island. These services are mostly but not exclusively found in close proximity to and around the DriftWood Centre. They can be grouped in two categories:

Businesses that benefit from tourism, and those that generally do not (please see the extensive list below).

An anecdotal survey of some of these businesses confirms that tourism represents from 40% to as much as 100% of annual revenues. For others it is something less. Reduction of the volume of summer tourists will have a significant impact on the operators of many of the businesses listed above, not to mention the STVR operators themselves.

The businesses that rely on tourism for significant portions of their annual revenue - Covid has had a devastating impact. The community farmers market is a tragic example of an island artisanal (food /arts and crafts market activity, that has virtually ceased to exist as a result of Covid-19. It is irrefutable that this market will not recover in its previous form without the return of tourism to the island.

The annual Disc Golf tournament which has been hugely successful is another example of a tourism activity that has brought Pender an incredibly positive international reputation. A more eco friendly form of tourism activity is hard to imagine. Short term vacation rentals provide needed accommodations for events like this. Many of us hope that this event can return in the future.

I respectfully submit that the bylaw as drafted is an unwarranted attempt to over regulate a small but important element of tourism activity on the island that is barely surviving today. This draft bylaw is proposing a cure for which there is no evident disease.

Temporary vacation rentals provide a significant and vital compliment to the island economy. Temporary vacation home rentals provide low community impact vacation options that fill the gaps between other important accommodation amenities like Poets cove / bed and breakfast operators/ campground and trailer rental operators. However unlike the previously mentioned vacation options , this bylaw unfairly threatens to regulate STVR's out of business.

Ferry services are a vital service that keeps the island communities alive and sustainable. Ferry services are allocated based on demand.... tourism traffic is essential to maintaining the status quo with respect to ferry service. If tourism choices are further regulated so they cease to exist, it is reasonable to assume that our precious ferry service will be impacted negatively. Less traffic volume shows up in statistics that are monitored by the ferry corporation and services could be further reduced.

What we can observe happening to our island economy due to Covid-19 presently illustrates a well known and observable outcome, called a "negative feedback loop". Like a flywheel once started, this downward momentum can be irreversible. Our island economy is currently in an " induced coma" and will not recover without all available sustainable economic activities being encouraged to flourish when Covid restrictions finally end. Tourism is vital!!

It is noteworthy that many of the business failures on the island in the last ten years are the restaurant operators; so many have come and gone. The absence of viable restaurants on the island is a notable feature of North Pender Island. Many have tried and failed. The continued absence of tourism traffic will make it difficult for viable small restaurant operators to establish and survive on our island. Restaurants are another important part of a vibrant community and should be encouraged.

Many home owners on Pender Island are not full-time residents however they are permanent in that they have a long term commitment to the island. In some cases homes have been passed from generation to generation, and their owners remain active members of the community. Surely this is a good thing? In some cases the vacation rental business they operate enable families to continue to own and maintain their generational family homes.

In conclusion,

1. I hope that this submission is received as constructive, in emphasizing the need for tourism in sustaining and supporting the existing business and infrastructure on North Pender Island and the role that STVRs play in the island's economic eco-system.
2. I am requesting that the proposed bylaw be amended to encourage short term vacation operators to maintain their Eco friendly sustainable micro business. Any adjustment to the guidelines and requirements should allow them to be sustainable while respecting general community interests.
3. Additionally, please remove the maximum guest limits regulation. These limits could be determined on a case by case basis. The vast majority of repeat Vacation clients booking Home rentals are family groups: a typical family group is comprised of Grandparents with two or three married children and four or five grandchildren. This family of 9-12 people would be prevented from renting a Vacation home under the proposed changes. I suggest that this limit be determined based on the house design and bedroom capacity and property size which could be regulated in the permit process.
4. The maximum rental day limits should be eliminated, particularly during the summer season when almost all the tourism activity occurs. Please allow the owner / operators to use their discretion and judgement as to when and how to operate their small businesses, as is the case with all the other tourism venues on the island. Many of these rental businesses have operated for a decade or more, and have earned a five star reputation that takes many years to cultivate. Please ensure that this bylaw is revised so as to allow these businesses to survive and hopefully thrive.

Sincerely,
Mark Kroeker

An incomplete list of Businesses on North Pender Island:

Businesses where tourism revenue is important for revenue:	Business where tourism is not a major revenue factor:
Super market grocery store Gas station Clothing boutique Pharmacy Coffee shop / bakery Liquor store Miscellaneous household retail Pub / marina Campground Island winery and Cidery Convenience stores Farmers market vendors that include Artisanal food / arts and crafts. Golf course Home based artists and crafts people Kayak Rentals Bike rentals	Financial services Real estate office Recycling centre Local Churches Doctors office Community health services Elementary school Lumber yard

From: moosenbrix Moose 'n Brix <moosenbrix@gmail.com>

Sent: Thursday, February 25, 2021 10:43 AM

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

Subject: Re: Re:

STVR Address: 3745 Privateers

I spoke previously in the zoom meeting, but wanted to have something in writing just for you to have on file in case it was useful. I appreciate your time and attention to our thoughts on this matter.

Best Regards,

Jade Ganasi

RE: 6.4.15: 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;

We understand the concerns of traffic, noise, and usage of island resources.

We are hoping that instead of limiting the number of days a STVR can be used, that instead the standards required for STVR's be perhaps strengthened.

Concerns in point form:

- Income: Limiting the days affects those that are employed for property management and cleaning. We would essentially need to let her know that she will have no income from us for 5 months.
- Workers: We often have inquiries and bookings for Hydro workers, builders, tree cutters, photographers, local families without enough space to host. We can not dictate when everyone needs to come, and how often they need to stay for work. 0 or 30 days over multiple months could have other effects on the island.
- Tourism: Of course tourism would be affected, we have watched business shorten hours, close and it's awful to see as they are some of our favourite places to go as a family.
- Family & Friends: We are 3 families with our own extended families, and 4 individuals with our own sets of friends that co-own this home/stvr. We often share with our friends and family when we are not there, and do not always have paying guests, so are curious how this will be managed.
- Water, our STVR is not always booked, and often has days or weeks where no water is being used, which would be considered less than a full time tenant or owner.

A few notes about our STVR in particular:

We follow all of the guidelines and feel we go above and beyond. We have provided our contact information to those within 200 meters personally. We have only received one call ever, and it ended up

not being about our guests, but about other local noises. We have a wonderful relationship with our neighbours, and have even put up a privacy wall at our cost out of respect for our neighbors.

We have a very strict screening process and deny guests that we don't feel confident in.

We have water conservation signs up and have installed a water efficient washing machine, we have Mysa thermostats to ensure heat is not wasted or left on controlled on our phones.

I appreciate your time.

Best Regards,

Jade Ganasi

From: MICHAEL SKETCH <mgmsketch@shaw.ca>

Sent: Thursday, February 25, 2021 10:43 AM

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

Cc: mgmsketch <mgmsketch@cablelan.net>

Subject: Draft bylaw 222 public hearing

Trustees and staff - For paragraph 6.4.17 of draft bylaw 222, I suggest replacing the word "considered" with the word "supported", to avoid potential conflict with the local government act.

Michael Sketch
5604 Razor Point Road
Pender Island
V0N 2M1

From: Barbara Johnstone <firhill@live.ca>
Sent: Thursday, February 25, 2021 10:45 AM
To: vicphsub <vicphsub@islandstrust.bc.ca>
Subject: Public submission for Bylaw 222 STVR

I am in agreement with the proposed bylaw 222 to amend the Official Community Plan.
It covers many of the issues concerning the community, and provides language (ie should, may) that provides a certain degree of flexibility on a case by case basis.

Barbara Johnstone

From: Pender Botanicals <penderbotanicals@gmail.com>

Sent: Thursday, February 25, 2021 10:24 AM

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

Subject: North Islands Trust proposed bylaw changes re STVRs

Thanks for the opportunity to comment.

I am opposed to the proposed 30 day maximum of rentals in the summer. No one would ask Jo's to operate that way. Or the Tru-Value or any other business on the island. It is punitive.

I live on my property fulltime. The respectful guests who stay in my tiny cottage rent bikes, kayaks, go hiking, patronize the farmers' market, galleries, Talisman Books. They love going out to restaurants.

What kind of positive outcome planners/trustees hope to accomplish with limiting the number of days a person could rent? If it's meant to reduce water use, why not make low-flush toilets mandatory?

Again, no one would ask any other business to operate in this way!

Sincerely,

Zoë Landale

--

. . . nearby is the country they call life

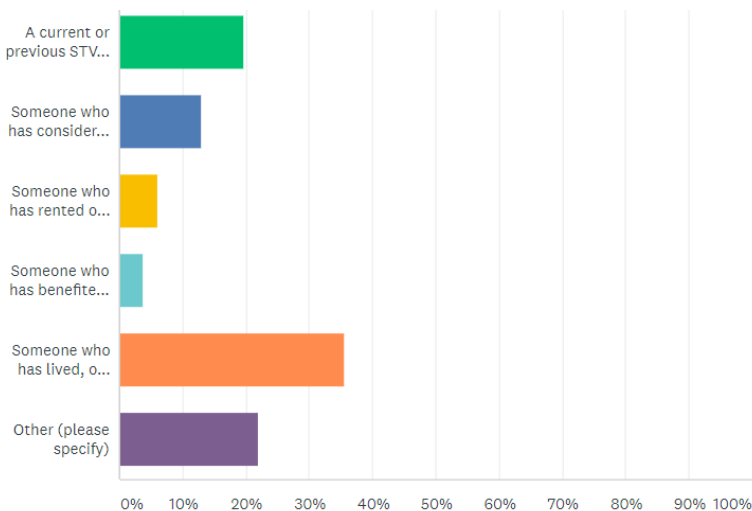
Rainer Maria Rilke

Results of Online Survey

The results provided below are only from those that have indicated that they live and/or own property on North Pender Island.

Answer Choices	Survey Response
Permanent resident property owner on NP	92
Property Owner on NP but not a permanent resident	32
A resident of NP that live in long-term rental property or other accommodation	3
Other (partly permanent residents)	5
Total	132

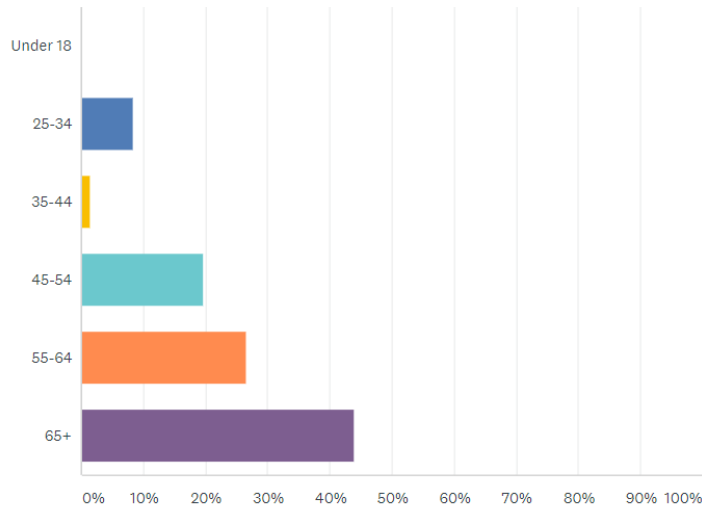
I am:



Answer Choice	Survey Response
A current or previous STVR operator on NP	10%
Someone who has considered operating an STVR on NP	13%
Someone who has rented or has been interested in renting an STVR on NP	6%
Someone who has benefited from the existence of STVRs on NP	4%
Someone who has lived, or continues to live close to an STVR operating on NP	36%
Other*	22%

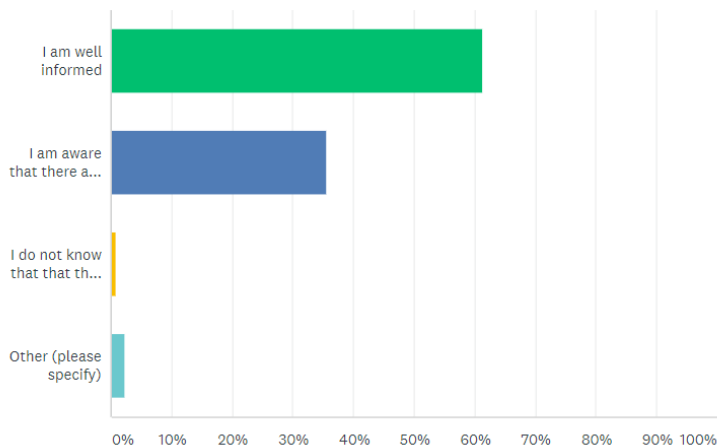
Relevant Comments for "Other"
A fulltime resident on NP x14
Owner of Currents, zoned as a resort
Farmer
Simply a law-abiding member of our community
Had an STVR cottage at Otter Bay
B&B/ Home business
Have bought land to build a house on Pender, stay in STVRs

What age category do you fall into?



Answer Choice	Survey Response
25-34	8%
35-44	2%
45-54	20%
55-64	27%
65+	44%

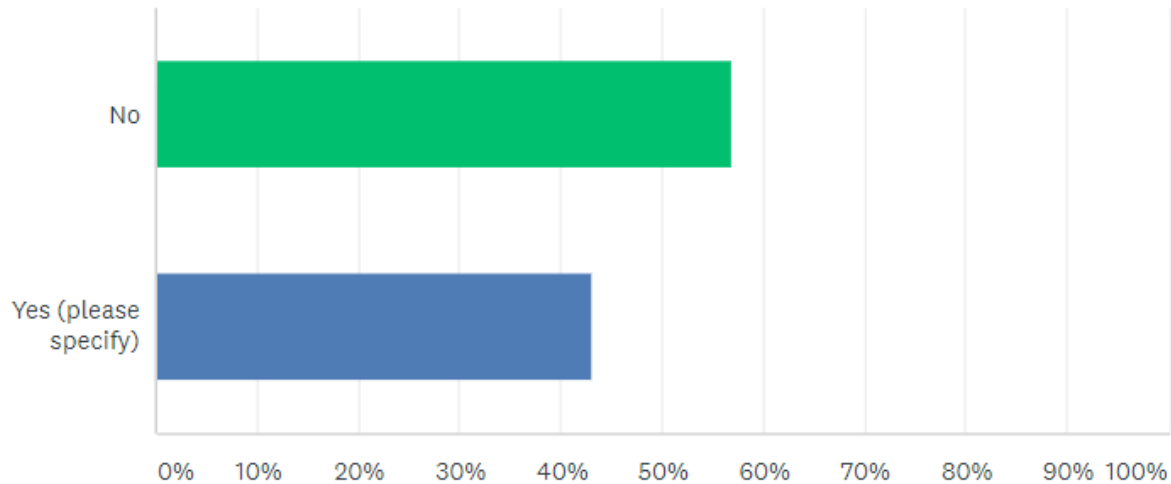
Are you familiar with the bylaws and policies permitting STVR business on North Pender?



Answer Choices	Survey Results
I am well informed	61%
I am aware that there are STVR bylaws and policies but not familiar with them	36%
I do not know that there are bylaws and policies regulating STVRs	1%
Other*	2%

Relevant Comments for “Other”
They are really hard to find online and not clear
It seems open to interpretation by the bylaw enforcement officers
I should be well aware but I am confused

Have you experienced benefits with the operation of STVRs on North Pender?



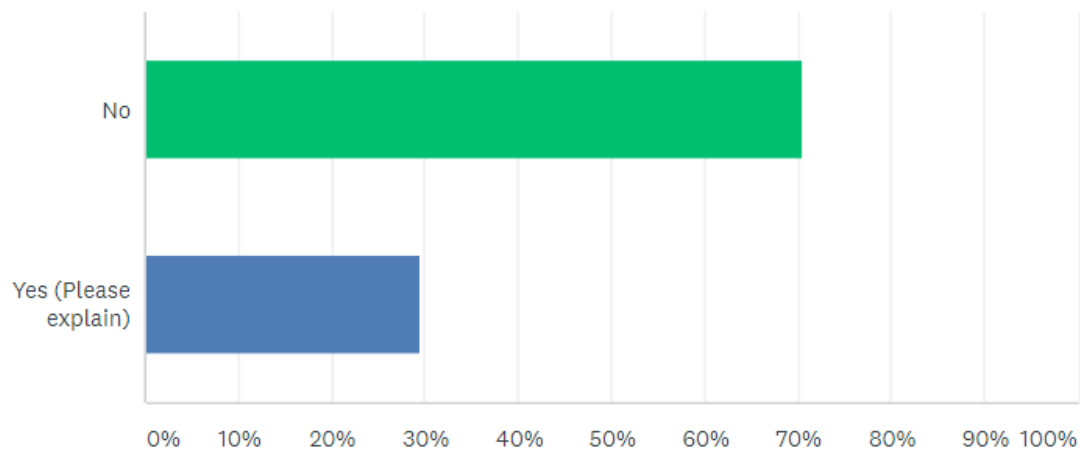
Answer Choices	Survey Results
Yes	43%
No	57%

Comment Re: Yes
Economic Benefit to Island/Jobs
I have had gained customers from STVRs (5 responses)
I derive income from my STVR (2 responses)
I run retreats. My clients stay in AirBnBs
We run a business and rely on tourism
Economic benefits
operating a STVR can be a good means of bringing tourist dollars into the Pender economy
There a number of economic benefits to the island, and the upsides seem to far outweigh the downsides. Some of my friends and acquaintances earn some of their income from this activity on the island.
I have one, and I also have a business that operates at the market and the tourists help with that economy and beyond.
It is a way for individuals to make or support there income
Marginally in that I'm an artist who benefits from tourism here in general
There a number of economic benefits to the island, and the upsides seem to far outweigh the downsides. Some of my friends and acquaintances earn some of their income from this activity on the island.

Income helper for me, boosting local economy.
It allowed me to keep my cottage at Otter Bay and visit Pender regularly
I am a member and past board member of the not for profit Pender Golf Course. We rely heavily on tourist traffic to keep the club viable.
Local business do better and make it possible for full time residents to have the services they offer in off season months.
The community benefits in that it keeps our businesses going year round. Increases my business activity too. Allows for new people to experience our island, creates new friendships and partnerships.
My guests spend money on goods and services at other island businesses
More tourists on the island trickles down into the economy: more shoppers, eating in restaurants, etc. Brings younger people here too
I am an operator so I have seen financial benefits. I think the rentals also help employee cleaning people, and maintenance people
New diverse people, personal income support, contributions to businesses that benefit from tourism, sharing the island with friends and family new residents
Affordable and preferred vacation rentals for families and their pets. Financial assistance for owners. Increase revenue for Island businesses
Appreciative tourists who support local merchants and remind us of the beauty we live with. Provides space for families with pets who are not suitably accommodated in other commercial ventures.
it is a way for individuals to make or support there income and the best way for people to visit our island
I made money doing Airbnb for my STVR
Ability to own property on NP/recover costs/upkeep property
The STVR permit has made it possible for our family to continue to own and spend the significant money it requires to maintain a property on the gulf islands that gives our family so much enjoyment.
The house is better when it has people in it. The house is healthier when it is being used. A vacant house is not good for a community. There is also the benefit of cost recovery on repairs and maintenance.
Our STVR helps with our mortgage and our neighbours tell us that they've been impressed with the quality and respectability of our guests
Cost recovery of increasing expenses
Having an STVR allowed us to keep our house and it is now used by a relative full time
income to cover mortgage and utility costs
It allowed me to keep my cottage at Otter Bay and visit Pender regularly
I operated a STVR(outside of Magic Lake on North Pender) for approximately five years in the late 90's while I lived full time on South Pender. I did all bookings through my own website, met all renters and did all the cleaning personally.
We operate under a TUP, and we only take advantage of STVR to cover the costs associated with ownership such as property taxes, otherwise, we consider the property our second home which we share and enjoy with guests when we do bookings.
Secondary income, helps offset operating overhead and taxes. Permits us to showcase Pender as a premier destination for appreciation of our natural beauty.
Income that allows me to continue renovating the property
Provides accommodation for benefit of residents
Friends came to Pender to visit my family and they were able to stay in a STVR and enjoyed it very much.

Family reunion and additional workers for storm restoration (Hydro)
Plus my neighbors and friends have been able to use our cottage as a rental.
Had family rent one when we didn't have space
Friends can come to visit without staying on our floor.
Family and friends have been able to visit us more often. Helps local economy which in turns helps us.
Provides opportunities for families/future residents to visit NP
We have witnessed families enjoying the lake and the experience of being on Pender Island. All of the STVR people we have encountered have been very pleasant and respectful.
Financial & charging inexpensive rates to those that would otherwise not be able to visit Pender
I've enjoyed visiting North Pender Island in years before choosing to buy a property and move here.
STVR's provide excellent alternative accommodation, especially for families
Provided lodging prior to moving here
I have rented STVRs before buying a lot and building on Pender
It allows young people housing opportunities they otherwise could not afford
Other
I'm not sure if this is a benefit but I've met some really lovely people who are kind and considerate when on the island
Was able to share a beautiful home with amazing people

Have you experienced problems with the operation of STVR operations on North Pender?



Answer Choice	Survey Results
No	70%
Yes	30%

Comments
Noise
dogs barking when left behind, fires outside in summer, noisy guests at all hours etc.
Years ago was a STVR at Boat Nook which attracted a very noisy clientele -- partying into the night.

STVR leads to a reduction in the rental housing stock which pushes rent up and makes it harder for people with low-incomes to live on the island. It's been hard for Currents to find cleaning staff, hard to staff the post office, etc... Pender needs more affordable housing!
Excessive noise. Loose dogs.
Constant noise transfer with vacationers enjoying themselves but not respecting the neighbours.
High level of noise from renters. I have heard the house being referred to on the ferry as the "Party House".
Noise from the renters
Some friends cannot find rental accommodation because of STVRs.
Overcrowding and excess noise late at night
Additional traffic, noise and disregard for laws and island specific courtesies.
noise, ferries overload
Issues relating to parking and noise and noise and noise and more noise from uncaring visitors.
Enforcement issues
Visitors disobeying fire and other regs and laws
There are 3 STVRs on our cul de sac. There are traffic noise issues, excess cars per house, lack of privacy, illegal fires, excess numbers of people per house, noise from occupants, operating the STVR during the Covid crises even though AirBnB operators have been requested by W, Dingmann not to
Increased noise, traffic. STVR clients ignorant of local bylaws such as fire restrictions and use outdoor fire pit illegally
Affordable housing (rent)
STVR leads to a reduction in the rental housing stock which pushes rent up and makes it harder for people with low-incomes to live on the island. It's been hard for Currents to find cleaning staff, hard to staff the post office, etc... Pender needs more affordable housing!
Lack of rentals and impact to local economy when tourism demand decreases
Limited accommodation available.
Trespass/Garbage
Guests have wandered onto my property without permission
trespass on my property from stvr renters, garbage dumping from stvr renters.
My privacy has been compromised by a local STVR operation and resultant trespassing
Traffic/Parking
adds to the neighborhood traffic
Walking and cycling are no longer possible during the summer due to increased traffic.
Parking is overwhelmed during peak periods
For over half of the year, the island has become overwhelmed with traffic, more people than the island can handle
Impact on community resources
Access to Medical facilities is difficult during summer months
We have difficulty finding local workers who are occupied with servicing absent owners.
water issues are a huge issue, lack of care for the environment, services like medical, fire dept, recycle, grocery stores are overwhelmed and locals end up 'at the back of the line' in favour of commercial enterprise
Our fire Service has reported they can not service the Summer population.
Water
Water is becoming increasingly scarce
Other

Guests have shot bb guns which is extremely dangerous. Guests take hot tubs without bathing suits and walk around on the deck nude. Host took an excessive amount of time to produce an on Island contact.

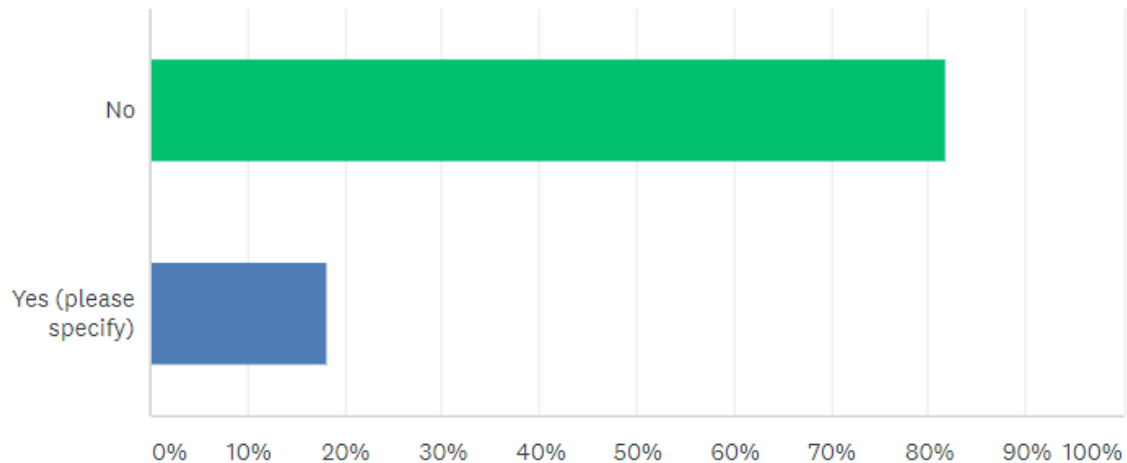
I am Very concerned with a STVR that does not have the permanent resident present at all time

Tourists arriving for vacations during a pandemic

The requirement that I have to live on the property that I have an STVR on frustrates me. I would like to have this requirement removed.

I was 'gagged' at meeting while tup was being reviewed and held over for further conditions that needed to be met. STVR continues, I've never been provided with required information and my home is less than 200 metres away.

Have your experience of impacts related to STVR operations on North Pender changed since the TUP process for STVRs was introduced in 2016?



Answer Choice	Survey Response
No	82%
Yes	18%

Comments

Better Experience with TUPs STVRs

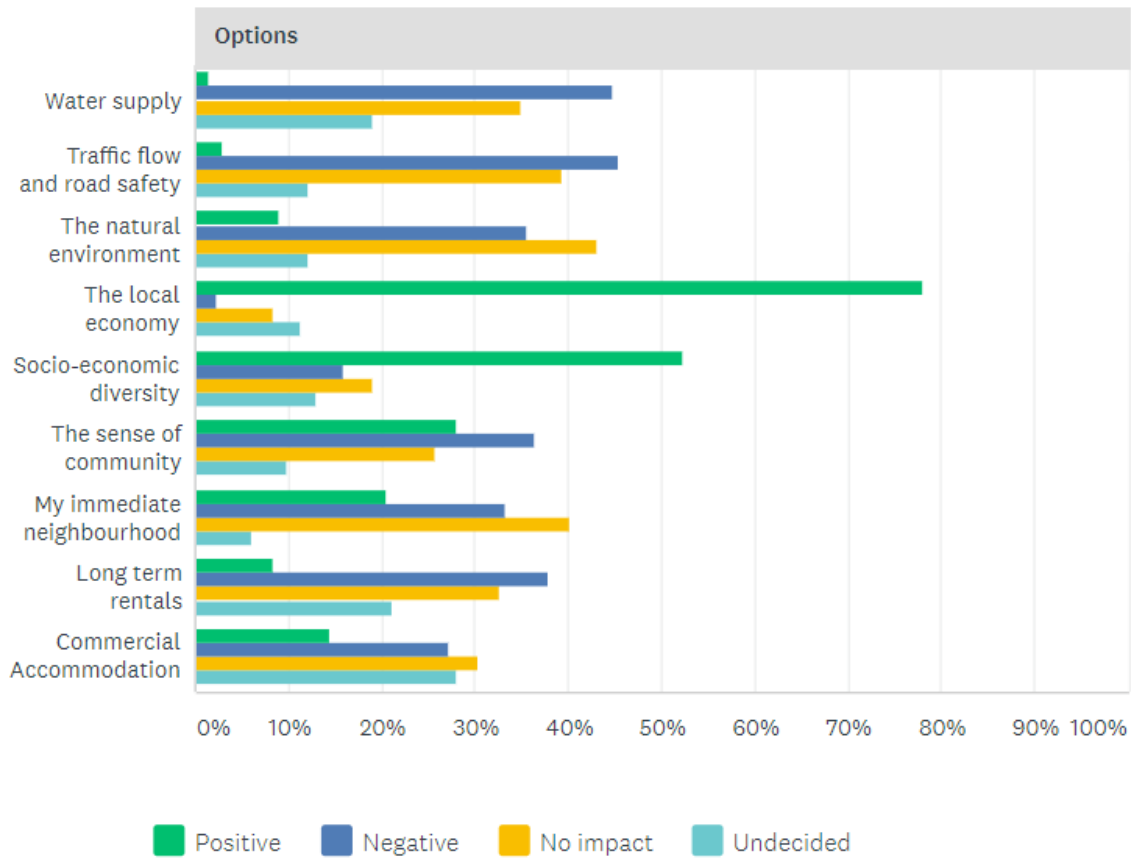
Under the TUP program, there is a lot less dissension in the community and things seem to have settled down.

Previous long term rentals were a problem. Not managing garbage, no respect for our property. Since the permit process was introduced, renters have been very pleasant and the property has been continuously cleaned and maintained.

Before regulation these same 2 STVR properties were operating illegally for many years with no enforcement despite complaints. It is better with bylaw enforcement and established rules, but not everyone follows the rules and the TUP process has not helped much with our complaints outlined above

one of the sites now has a permanent owner, therefore noise has ended
Fewer STVRs = negative impact
There has been less work since this was introduced less income
I believe Island commerce has diminished significantly, couples do not make day trips to Pender Island, disallowing STVR removes most tourist retail operations and the benefits from the same
Less choice for visitors
Increasing Problems
Many new owners of STVR's don't seem to know their responsibilities as described in bylaws
I think it may have increased some of the problems I have experienced due to legitimizing the rentals (which had been previously operated illegally) and increasing their use.
All the above impacts have increased dramatically in the last 2 years.
See above. These issues have increased dramatically
STVRs have made the housing crisis worse
TUP Process Challenges
Too complicated for only an occasional rental to friends
. More hassle for property owners wishing to have an STVR.
They are not enforced unless there is a direct complaint.
Great confusion as to what is permitted, no opportunity to make permanent improvements when operation is just temporary, lack of faith whether the LTC or IT will ever consider STVR and endorse or promote their use.
Still Problems with Unregulated STVRs
Most of the vacation rentals on N Pender operate with no licence. They are one floor of a home and don't pay any fee or meet any conditions. They use a lot of water. Our bookings have gone down as there are dozens of these unregulated AirBnB rentals available.
It is the norm for TUP to be applied for only after an illegal STVR has been reported for a noise violations etc. So the requirement for TUP is flaunted until complaints are made and Bylaw intervenes. The STVRs continue to operate even though they are been requested not to due to inadequate enforcement of "shutting down". Less long term community members to volunteer and support long term agencies such as the Legion, Library and Nu to Yu.

STVRs have an impact on:



Options	Positive	Negative	No Impact	Undecided
Water Supply	2%	45%	35%	19%
Traffic flow and road safety	3%	46%	39%	12%
The natural environment	9%	36%	43%	12%
The local economy	78%	2%	19%	13%
Socio-economic diversity	52%	16%	19%	13%
The sense of community	28%	36%	26%	10%
My immediate neighbourhood	20%	33%	40%	6%
Long term rentals	8%	38%	33%	22%
Commercial Accommodation	14%	27%	30%	28%

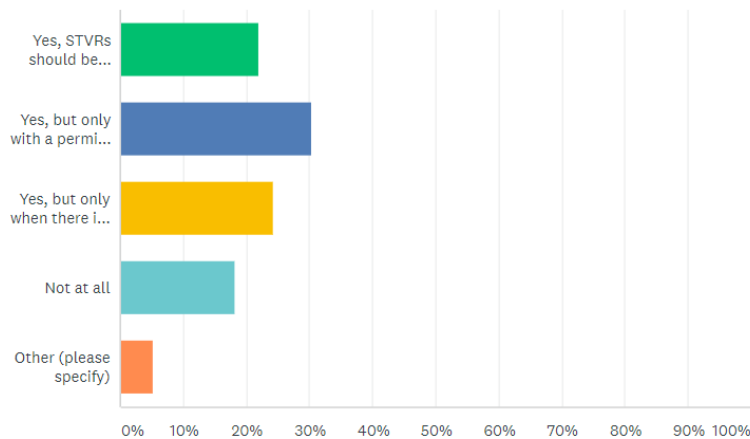
Comments

They help the economy of the island and many businesses and people benefit from this. It gives people work that might not have work. They buy groceries locally, they buy gifts locally. They eat out at restaurants etc.

My big concern is that younger working people have difficulty finding affordable housing -- we need these able people to function as a community. Also STVRs do not contribute to the fabric of the community -- visitors don't volunteer, visit neighbours to check on them etc.
People have always rented their houses and cottages on this island for decades. We should Not need a permit. most tourists are nice quiet people. Call the RCMP if renters are being noisy and stop being such NIMBY people. We don't need expensive permits or by laws for people renting their summer cottages
STVR's do not occupy individuals primary residence, those weekend homes are not available for permanent rental as the owner wants to use the premises several times a year. Rental properties are typically vacant, held for rental to families as their principal residence.
I feel like they have a negative impact in pretty much all those categories, except economically, but even that's debatable, since people would likely spend as much, if not more staying in a commercial accommodation.
Traffic flow and safety: it is ridiculous to even hint that STVRs are responsible for narrow roads, no shoulders and no sidewalks or trails.
STVR's bring tourists to the island who would not normally be able to visit. These tourists spend money in local businesses.
I am not sure that the quantity of short term rentals is such that there is a significant impact. Significant increases in short term rentals may have a negative impact. I am OK with a balanced approach to STVR.
The multiple generation families that stay at STVR homes would not stay at the commercially available accommodations under almost all circumstances.
Often, the visitors are more sensitive to the environment than the locals
I think further study is needed as to the effects of STVR on long term rentals specifically on Pender. From my understanding there are STVRs operating without permits and I think they should be made to apply for the STVR permit.
A STVR in my area could potentially effect an already huge concern with water supply. I am also very concerned that without an owner present basic rules will not be followed i.e. use of fire pits and not smoking! Fire is of great concern to me.
There isn't enough beds at Woods or Poets that are reasonably priced. The STVRs are a great local option.
STVRs and the guests that come to them do not have any more impact on things like water or the environment, than people coming to use their own property, or friends, or personal guests. Bascially these questions are about yes or no on STVRs but between yes or no on allowing any guests or tourists to come to the island. Do we want a small amount of tourists to come to the island, or do we think that the island is at max capacity (even with so many empty homes), that out water and environment can't handle and the ferry should just be for locals. How many tourists come to the island and pay to stay somewhere in the summer on average? 100? is that really what pushes our water use to the edge? It isn't that people don't want STVRs they don't want tourist or any accommodations for non-locals.
Please add, Negative impact: fire department, huge water issues and medical system overload
Fire Department - negative Water supply - negative Medical system - negative
There are always people who live and work on Pender who need long-term rentals. Allowing people to purchase several properties and use them as STVRs has a negative effect on the whole island Local businesses need workers. If there are no decent places to rent because they are being used as STVRs, then the workers either leave or are forced to camp out of to purchase old RVs to live in. People should only be permitted one STVR
local retail economy, food, restaurants, eco tourism all benefit from the extra visitors that stay overnight
I support stvr as a small community it helps out with tourism. I understand it can get busy and frustrating with too many tourists but we are fortunate to live here and letting people see it is part and experience here let's us all remain here.
Tourists are needed to keep the Pender economy healthy!
In regards to Long term rentals, the few bad apples give some great long term renters a bad name and it would appear to me that the bad apples are there own worst enemy.
It divides the people who might not live here or are seasonal residents against the long term residents who often serve these people in restaurants, services, trades, etc.
STVRs bring a lot of consumers to the island. They buy groceries, meals out, art. In consequence, many artisans have a much more robust business. It does seem, though, that operators with permits are penalized for being

law-abiding. For example, two businesses within a block of me have no permits and continue to rent during the pandemic.
Contribute to ferry overloading, excessive traffic, overcrowding at grocery (and everywhere else). Excessive burden on health clinic.
Overall, we are of the opinion that STVRs have a positive affect on Pender Island, specifically the business community. Ultimately, the services and amenities here survive throughout the year from the revenues generated during the high/peak tourist season, since permanent residents are not huge supporters of the local restaurants, but rely mostly on tourism and island-friendly guests from the mainland.
Loss of peace and quiet, never knowing who your neighbours are
The majority of STVR's are not suitable for long term accommodation, The owners are desiring of occupying their own premises and not dedicating their home to long term rental.
Economic benefits -- Positive impact
Opportunity for low income people to afford a home and have an income on pender.
STVR's are what allow me to run my business on Pender. So at least for me, I hope any adverse effects they may have are eclipsed by the benefits. Sadly, all human population growth is likely to have a negative effect on the natural environment. Humans as a category have negative effects on this habitat. STVR's should not be singled out for this.
The increased use of Pender's infrastructure advances the timeline to replace the same, especially rural roads. Where is the money? Garbage in parks, risk of fires will increase as well unless preventative measures are put in place to educate tourist. Ferry traffic is a big issue from Easter to Remembrance Day

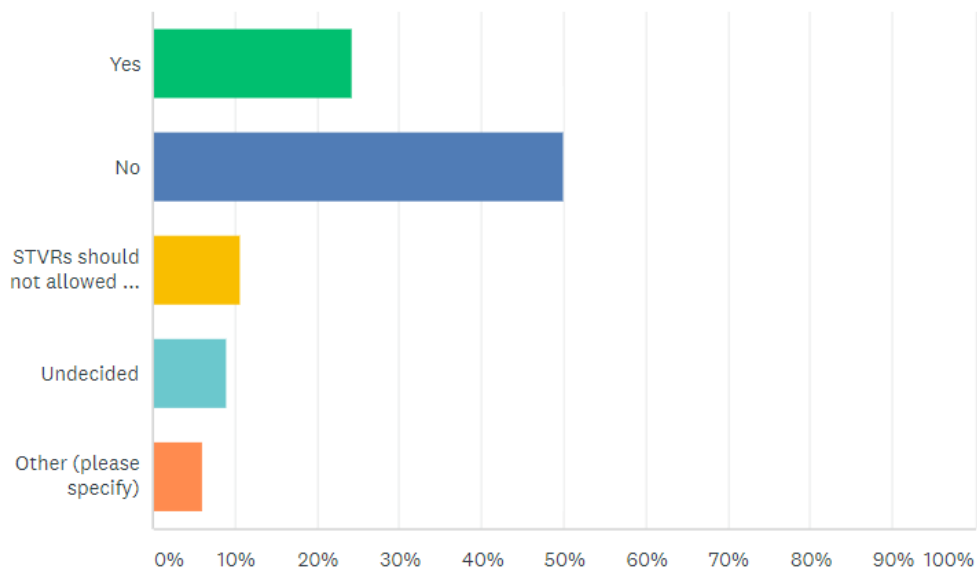
Do you support primary dwellings being allowed to operate as STVRs?



Answer Choices	Survey Results
Yes, STVRs should be allowed in primary dwellings with as few regulations as possible	22%
Yes, but only with a permit that identifies conditions that need to be adhered to	30%
Yes, but only when there is a full-time resident living on the property (e.g. living in the cottage)	24%
Not at all	18%
Other	5%

Comments (Other)
Only rooms in houses. Private kitchens should be available to local renters, not rich tourists.
Yes, with as few regulations as possible. One of those should be that you must maintain a permanent address on Pender.
Perhaps 2 week minimums or a maximum of 40 days in a year.
Yes, with regulations. I am a property owner that would like to rent my (entire) property out from time to time for extra income. When doing so I go to stay with family members on Pender or Victoria
Yes, subject to the permit fee being allocated as a credit against adjacent properties property taxes. And then encourage adjacent property owners to work out any issues with the STVR operator, requiring no bylaw officer involvement, except in rare circumstances..
Primary dwelling with a full time resident living on the property could be allowed in the same house as long as the property was larger than 1 acre. A maximum of 2 adults and 2 children . If the lot is larger than 2 acres perhaps a secondary cottage could be in place as long as the owner is present on the property.

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

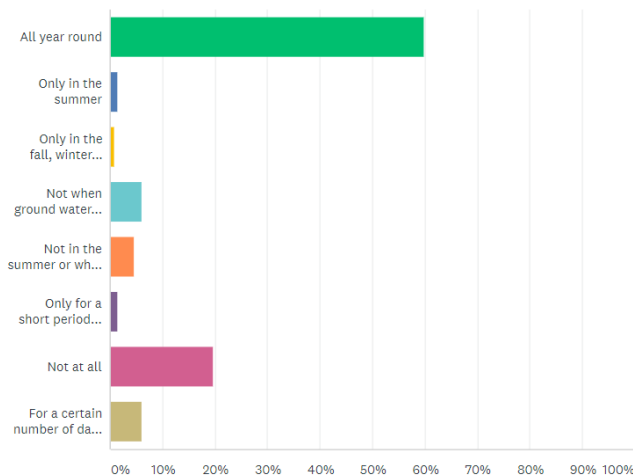


Answer Choice	Survey Results
Yes	24%
No	50%
STVRs should not be allowed	11%
Undecided	9%
Other	6%

Comments (Other)

Yes, as long as the owner is also resident on the property during the STVR stay and all requirements are met.
It depends on the circumstance and what kind of rental it is.
depends on the size of the property and how close to neighbours
Agritourism allows for more than one which makes this difficult to respond to.
It depends on the size of the property. Larger acreages with a house and cottage would be reasonable.
It depends on the size of the property. Larger acreages with a house and cottage would be reasonable.
In general, No - but there could be situations where that would be reasonable. Controversial as it is, Timbers (though he did it without a permit) would be the kind of place that could have more than one - IF the owner lives on the property. I'm against any STVR where the owners aren't the ones living with the visitors...
Most properties on North Pender are in Magic Lake. The size of these lots do not support more than one (if that) on the property. If , on larger lots, more than one STVR is allow, it is reasonable to explore whether these establishments should be classified as motels or hotels as they a businesses far beyond a solitary STVR

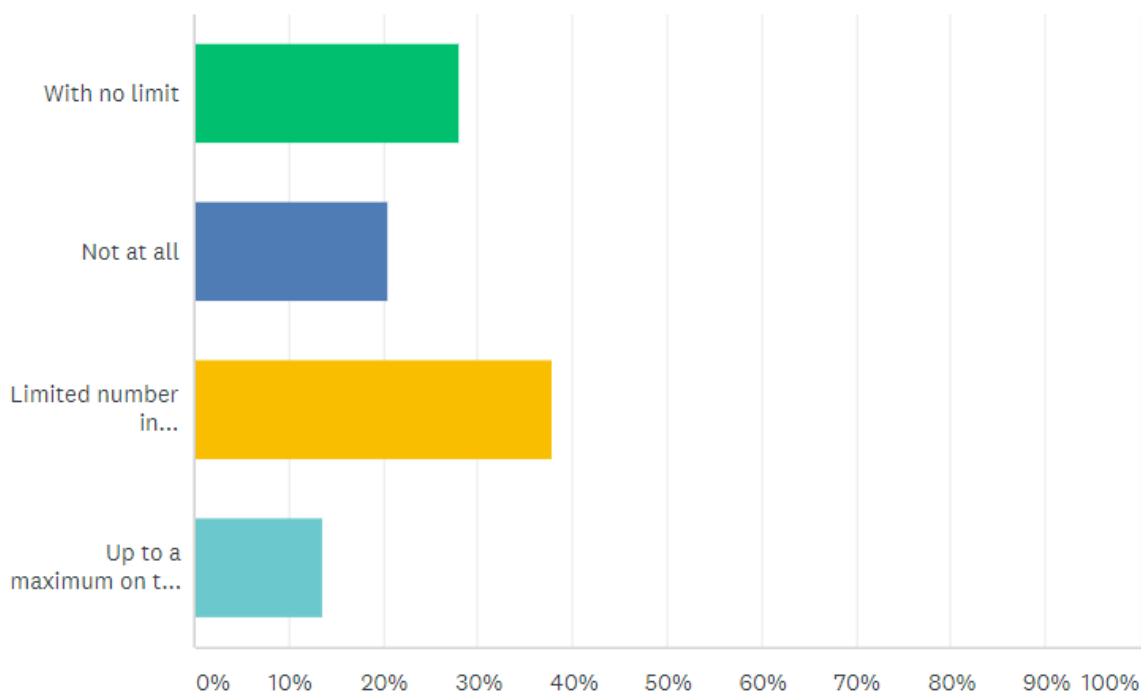
When should STVRs be allowed to operate?



Answer Choice	Online Survey
All year round	60%
Only in the summer	2%
Only in the fall, winter, spring	1%
Not when ground water is most impacted (most impact Sept-Dec)	6%
Not in the summer or when ground water would be most impacted	5%
Only for a short period of time when the full time resident is on holiday	2%
Not at all	20%
Other	6%

Comments (Other)
Any time when the owner is present to inform, monitor & regulate activities
a couple of weeks a year
I don't have a number in mind, but fairly limited, to make it (just) worthwhile for the owner, but not so much as to be a better option than using their dwelling for a full time rental. Preferably only secondary suites and cottages would be permitted.
Maximum 20 days per year
Easter to Thanksgiving - minimum stay 4-5 days as this puts fewer vehicles on the already crowded ferry system
Easter to Thanksgiving - minimum stay 4-5 days as this puts fewer vehicles on the already crowded ferry system

STVRs should be permitted to operate (choose the option you feel most strongly about)?

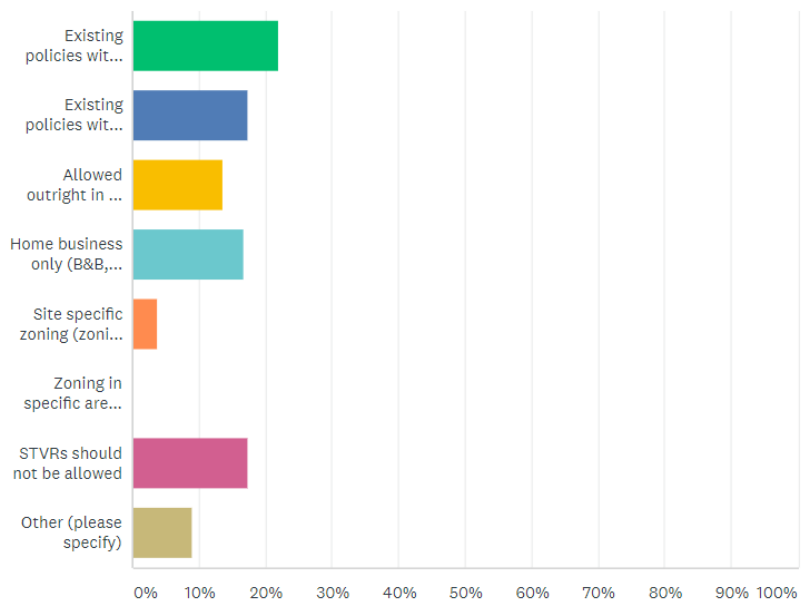


Answer Choice	Online Survey
With no limit	28%
Not at all	21%
Up to a maximum in each neighbourhood	38%
Up to a maximum on the island	14%
Suggested maximums	
25%*, 40%, 50%, 20%, 10%. 1%, 30%, 3%, max 100, 50%	

Are there areas on the island where STVRs should not be permitted? Where and why?

No	41
Not at all	9
Magic Lake/Buck Lake	16
Not where water is limited/a concern	5
Not in residential areas	2
Comments	
Due to wildfire risks NOT in areas where there are NO hydrants.	
Houses that could be rented by locals who participate in the economy full time	
limited in operation enough so that they don't dominate any one area,	
Not in proximity to other STVRs	
Areas furthest from fire station	
Rural or Agricultural zones; the purposes for these zonings are incompatible with use as tourist accommodations	
Oceanfront	

STVRs should be regulated though:

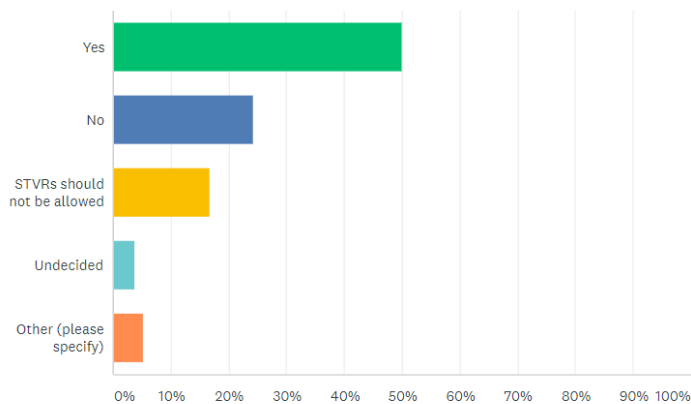


Answer Choices	Survey Results
Existing policies with no change	22%
Existing policies with some changes to TUP requirements	17%
Allowed outright in all dwellings without regulation	14%
Home business only (B&B, cottages, Agri-tourism)	17%
Site Specific zoning (zoning individual properties for STVR use)	4%
Zoning in specific areas (concentrating STVR operations in specific areas)	0%

STVRs should not be allowed	18%
Other	9%

Comments (other)
Units with kitchens should be occupied by people who live on the island for 8-12 months of the year.
Allowed outright in all dwellings however there needs to be a few rules. A few I have considered over the years are 1: Must maintain a permanent/primary address on Island. 2: Must be available or have an agent available on island at all times when the unit is rented to deal with complaints and emergencies.
Fewer regulations - not none (this should have been an option) No TUP required if: -2 Week minimum rentals -Maximum 40 days per year
Limit the number of STVRs by location and neighbourhood and limit the operator to only one STVR and require an application for permission to operate and charge a fee.
I'm not sure, I don't want Pender to turn into Salt Spring but I do think there should be more STVR's allowed to anyone who lives full time in their home and isn't taking away long term housing, only wanting to make extra income when they are away or can. Perhaps policies that limit the amount of people who can stay in a dwelling would help, there are some huge houses that allow big groups and that's where the biggest impact is made I think.
Limiting properties in magic lake due to issues with sewer and water.
It is my recommendation that STVR not be allowed in Magic lake due to the lot size, and in Trinco due to water issues. So these areas are opted out of STVR. In other areas the size of the lots, especially in subdivisions, needs to be taken into account. As STVR owners are using their secondary home as "mortgage helpers" not because they did not qualify for the mortgage, the Trustees have an ethical responsibility to ensure that residential zones remain primarily residential. Consideration should be given that a TUP that would be limited to 3 years followed by a two to three year gap before reapplying. Those who previously operated an illegal STVR should be limited to 1 year TUP at onset and then a two year TUP, followed by a two to three year gap. We forget that many many homeowner let (as is their right), extended family and friends stay in the "secondary" home in addition to the STVR being in operation. The local long term residents are not only dealing with the issue of STVRs.

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



Answer Choices	Online Survey
Yes	50%
No	24%
STVRs should not be allowed	17%
Undecided	4%
Other*	5%

Comments (Other)
Maybe limited to the size of the house, I.E., a 3 bedroom house having no more than (approximately) 6 guests, maybe through permitting each stvr would be assessed for capacity.
Should be dependent on sleeping accommodations on the premises and regulated by TUP
Number of guests (dependent on # of bedrooms - ie. no more than double the number of bedrooms).
depends on the size of the property and proximity of neighbours
yes, by the owner and in conjunction with working out what is reasonable with adjacent property owners, keeping in mind those adjacent property owners are receiving a portion of the permit fee, which would be partly scaled to the potential gross revenue of the STVR
Yes, but determined by some kind of reasonable assessment of size of property, building, water supply etc.

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

Fire Risk
On November 17, 2019 I submitted a detailed letter re. our concerns -at that time specific to Temporary Use Application NP-TUP-2019.6 . All the concerns apply to this survey. Primarily fire risk created by visitors not familiar with conditions on Pender and the lack of hydrants in many areas, current issues with the aquifer in areas where homes are on wells potentially made worse, and if property owners (on the property-not just someone assigned to address problems) are not present the inability to monitor and regulate guest behaviors . Our home is our dream retirement property and we believe STVRs where owners are NOT present put that at risk. Water is already an issue, fire risk is an issue and impact on quality of life could be an issue. Thank you.
Housing Affordability (Renter)
The island needs to be able to house the people who make the economy run all year round - not just rich people who show up for 4 months
The problem isn't specifically STVRs, it's affordable housing supply. Island Trust needs to find a way to allow affordable housing construction. Banning STVRs will be a useful measure to free up units for local low-income residents but it won't be enough. And if you must permit STVRs, you can work with AirBnB to charge a hefty sales tax and allocate it to affordable housing on the island. This affordable housing should be relatively dense and it should be in walking/biking distance to the important things on the island - so somewhere near Driftwood or the School.
Impacts the availability of rental properties for people who live and WORK here.
I would like to see some kind of policy developed that would balance STVRs on the island with the need for full time rental accommodation for residents.
Housing Affordability (owner)

An individual will never purchase at today's prices a home to be only be rented long or only STVR, the property is too expensive for that use. This is simply a method where an owner can offset the costs of their purchase and support local economy.
The impact on low income people. STVRs provide an opportunity for some people to afford to live on Pender.
Sense of Community/ Use of community resources
Unfortunately stvr's do not allow for a sense of community, take up valuable long term rental opportunity and place a high need on our limited resources including medical, food, water and infrastructure.
Pender Island is already changed to its detriment over the past 15 years I have lived here. A small, tight knit community is fast becoming what I see as a 'Whistler' full of short-term visitors and renters. Our community is slowly being eroded. Benefits have been the creation of some jobs, but they are all temporary and low-end in nature. Costs are escalating. Many can no longer afford to live here. The only ones benefiting from STVR's are off-islanders who want financial support to buy a second property on the island. For a community, B&B's in a persons house are a much better way to help local residents pay their bills and not destroy our community at the same time.
Increased volume of traffic on unsuitable roads. Parking problems at the Driftwood. Pressure on the food market. Increased illegal dumping of domestic garbage at the end of the rental period.
Noise
Many residents are retirees and do not enjoy experiencing frequent changing of nearby neighbours , especially those with dogs,kids, stag parties, wakes etc
noise restrictions
Enforcement
Enforcement, I have seen the rules broken for years with almost no enforcement, should they go ahead there needs to be an easy to use system in place for reporting problems, and some real enforcement of the rules
You need to police this more thoroughly. It's going on all around and people say "oh, my friends will be staying at our place" when really they have rented it out and have been doing it for years. No one seems to care.
Many people who come for holidays then decide to move to Pender and this is positive for the real estate market.
Economic Benefit
The island residents and owners need to encourage tourism to the Pender islands if the minimal commercial services that are available on the island are going to survive. We need a healthy gulf island economy. Tourism is a key element of that.
There are numerous benefits to STVR's on the island like helping to create jobs and income for islanders by providing much needed services to support seasonal rentals. The local economy also prospers due to the average spend of a family on the island during their visit like groceries, restaurants, wine tourism, golf, kayaking, art tours and sales etc. Tourism, including STVR's support the local economy.
We should be promoting tourism to all of the island for the island to stay economically healthy!
The island needs affordable vacation rental. We came to Pender because of Roesland. The island also needs an economy. Without tourism there would be no jobs
Many people who come for holidays then decide to move to pender and this is positive for the real estate market.

It's a struggle to find gainful employment on Pender. It's becoming a retirement community. I have nothing against retirement communities. But I love Pender. STVR's are what allow me to be here. I hope that the regulations loosen so that my airbnb business is less burdened.
No Problem with what exists
Our neighbors who operate STVR are very considerate and respectful of the neighborhood and we have had no problems.
This whole thing is people being afraid of more tourists. We don't have a traffic issue, unless you consider the 5 days a year when it is hard to find a parking spot at Driftwood. We have a water issue, but for 50 years hundreds of people have been bringing family and friends to their houses and getting paid cash to rent their places with no regulations, so why should having those paying tourists use an app, rather than just paying under the table make that big a difference to the water. Plus we have the Woods and Poets using tons of water, so why can't the local people make some money renting there place rather than these high priced hotels making all the money. If we have friends who want to come, they can't afford to stay at Poets! So they cram into our place, but I would rather pay a neighbour a small amount to have friends stay down the street.
Woods and poets are very expensive. Airbnb is a great alternative and allows empty houses to be used. Brings more tourists that spend money. It's great
The experience has been good for me thus far. It was difficult to set up but now that i am up and running, it is smooth and there have no challenges with my neighbors
Need for balanced approach
Yes the community has to grow to be sustainable.
policy should balance economic diversification and the rights of property owners with demands on local infrastructure and the existing rural lifestyle.
The STVR issue is, first and foremost, a local community issue. A local issue that would do well to keep in mind the global deterioration of small and large communities secondary to STVRs. Before deciding how to regulate STVR, the Trustees would be advised to consider the Pender community as it exists now and 10 years ago and 10 years in the future. What is envisioned for Pender.?After all, Pender is unable to be all things to all people. We cannot have it all. What is a reasonable compromise? Do we support those STVR owners who wish to earn their "income" at the expense of residential neighbourhoods such as Magic Lake? Or should the focus be on building a community, respecting the land and water and limiting the influence of those who see Pender as an investment?
Water Concerns
I agree that water use is a main concern. One solution might be to require STVRs to install water meters.
In areas were groundwater is a concern modern low flow fixtures should be mandatory code instead of an anti guest policy.
Paid Tourist vs Other Guest
We don't have restrictions for the island capacity at the ferry terminal. STVR are just a type of paid tourist accommodation. The island needs to decide how many people the island can accommodate at different times of the year. If our current infrastructure is maxed out, even with hundreds of homes unoccupied for years, and there is only room for 50 more people on a weekend then do we restrict people from bringing family to their private property? Should we count the ferry riders and say there is already too many on the island for the weekend and sorry but people can't bring guest? Do we close rooms at the Woods once we have 50 private guests on island? If we can handle 200 extra on a summer weekend then cap the whole accommodation pool accordingly (hotels/BBs, STVRs). But is it 100 or 250 extra people? Do non-paying family guest count because they love showers also? There shouldn't be a special set of caps for STVRs over hotels or over people bringing personal family. Either

we have a infrastructure capacity issue, or we can handle it and lets plan accordingly. Lets stop blaming it on a idea that tourists are having showers that are 3 mins too long, and be honest that locals moved here to hideout from the world and they just don't want tourists to draw down the water they like to use to water their flowers, or making noise on their sleepy island (like every small retirement town in the world). Good luck. Thanks for all your hard work trying to find a balance point.
NYIMBYism
Property owners should be free to utilize their properties in a manner they see fit. There are bylaws for noise and nuisance that can deal with offenders. For the most part it may be a case of NIMBYism.
Stop being such old NIMBY people. I have been here for decades and we need families and tourists to come here.
No STVRs
STVR have not worked in the past. No reason to think they will work with the community in mind in the future. Residential zoning should not allow STVR unless it is an accepted Bed and Breakfast business following health guidelines.
We have been through this process a couple of times and when we think that STVR's are to be no longer, they continue to operate. Our elected reps did not seem to read any of the multitude of letters which displayed a "no STVR" attitude.
Outreach Method
To get a balanced opinion, there needs to be a way to inform and involve part time residents Otherwise, there is simply a reinforcement of the drawbridge mentality.
I worry that this survey won't reach the most impact members of this community, who have to rent and move, rent and move.
Pandemic Impact
We do not know how long the current pandemic will last, nor when the next one will happen. Having short term visitors would have strong negative impact at the tails of the pandemic
It's too bad there are so many hard feelings
More Relaxed Regulations
Homeowners are responsible and should be allowed to do what they need to do, including renting their property as they wish, within zoning by-laws. Existing STVR by-laws need to be revised to reduce requirements and remove temporary use permitting. Trustees need to back off from their negativity regarding STVRs, and stop trying to manage peoples lives. Requirements for legal secondary suites also need to be reduced so more spaces can be used for affordable housing or financial assistance, eg. cabins, cottages, coach houses, recreational units, etc. We also need an RV park for residents and visitors, with a mixture of long and short term
Should be Similar to South Pender
Should be similar rules on North and South. South Pender STVR's use all resources of North Pender. Drive in roads through North to get to South.
Other
We love the fact that Pender Island is small enough to create a sense of a very tight-knit community, but large enough to have amenities (unlike Saturna) and we prefer it that way. Most STVR operators, in my opinion share the same sentiment, otherwise they would not have owned property here. While we have a TUP, we know that it is a privilege to have it (are aware of the complexity of application process) and not a right. It might be a good idea to review some of the rules with regards to STVRs.
In our experience the TUP applications are always approved as long as the owners follow the process, despite objections from neighbours and our objections have largely been dismissed, almost as if there was a hidden agenda to approve STVRs on Pender. We appreciate receiving this survey.