



South Pender Island Local Trust Committee Special Meeting Agenda

Date: December 16, 2019
Time: 10:30 am
Location: South Pender Fire Hall
8961 Gowlland Point Road, South Pender Island, BC

			Pages
1.	CALL TO ORDER	10:30 AM - 10:35 AM	
2.	APPROVAL OF AGENDA		
3.	PUBLIC HEARING RE: BYLAW NO. 117	10:35 AM - 11:30 AM	
3.1	Recess for Public Hearing		
3.2	Recall to Order		
4.	LOCAL TRUST COMMITTEE PROJECTS	11:30 AM - 12:30 PM	
4.1	Short Term Vacation Rental (STVR) /Bylaw No. 117 - Staff Memo		2 - 12
4.2	Project Charter - STVR Review - Staff Report		13 - 21
5.	ADJOURNMENT	12:30 PM - 12:30 PM	



File No.: 6500-20-2019 STVR Review (Public Hearing)

DATE OF MEETING: December 16, 2019

TO: South Pender Island Local Trust Committee

FROM: Narissa Chadwick, Island Planner
Victoria Office

SUBJECT: Bylaw 117

RECOMMENDATION

1. That the South Pender Island Local Trust Committee proposed Bylaw No. 117, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No.1, 2019" be read a Second time.
2. That the South Pender Island Local Trust Committee proposed Bylaw No. 117, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No.1, 2019" be read a Third time.
3. That the South Pender Island Local Trust Committee proposed Bylaw No. 117 cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No.1, 2019" be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.
4. That the South Pender Island Local Trust Committee review the Islands Trust Policy Statement Directives Only Checklist and determine that Bylaw No. 117, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No.1, 2019", is not contrary to or at variance with the Islands Trust Policy Statement.

REPORT SUMMARY

The purpose of this report is to outline the process for approving Bylaw 117 (Attachment 1) that proposes to prohibit short term vacations rentals (STVR) as a permitted principal use in zones where they are currently permitted.

BACKGROUND

The Local Trust Committee is considering Bylaw 117 to amend the Land Use Bylaw to prohibit short term vacation rentals as a principal permitted use in zones where they are currently permitted (Rural Residential, Agricultural, Forestry, and Natural Resource zones). A public hearing is scheduled for December 16, 2019. A public hearing is a quasi-judicial process within and following which specific procedures must be followed.

Following the hearing, the LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw within certain parameters. The procedural steps following the close of the hearing are as follows:



1. Consideration of Second Reading (this may include amendments to alter a bylaw).
2. Consideration of Third Reading.
3. Forwarding of the bylaw to Executive Committee for approval.
4. Reconsideration and adoption.

Following the close of the hearing, the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. The courts have clarified that this does not open the door to endless public hearings: a local government body can legitimately decide that after a hearing it wishes to hear further from staff on issues raised at the hearing.

A bylaw may be altered after the 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.

If the Executive Committee approves the bylaw, the next step for the LTC would be to adopt the bylaw.

Rationale for Recommendation:

Should the South Pender Island LTC choose to move forward to approve the proposed bylaw, the first three recommendations are in keeping with legislative process for the approval of Islands Trust bylaws. The fourth recommendation is consistent with Islands Trust Executive Committee bylaw review process which requires that, prior to approving a bylaw, consistency with the Islands Trust Policy Statement is established. Staff have indicated on the attached Policy Statement Directives Only Checklist Form (Attachment 2) that the bylaw is consistent with the Islands Trust Policy Statement, the LTC should review the checklist and make any changes prior to endorsing it.

1. That the South Pender Island Local Trust Committee proposed Bylaw No. 117, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No.1, 2019" be read a Second time.
2. That the South Pender Island Local Trust Committee proposed Bylaw No. 117, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No.1, 2019" be read a Third time.
3. That the South Pender Island Local Trust Committee proposed Bylaw No. 117 cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No.1, 2019" be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.
4. That the South Pender Island Local Trust Committee review the Islands Trust Policy Statement Directives Only Checklist and determine that Bylaw No. 117, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No.1, 2019", is not contrary to or at variance with the Islands Trust Policy Statement.



ALTERNATIVES

1. Approve the proposed bylaw as amended

1. That South Pender Island Local Trust Committee proposed Bylaw No. 117, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No.1, 2019" be amended...
2. That the South Pender Island Local Trust Committee proposed Bylaw No. 117, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No.1, 2019", as amended, be read a Second time.
3. That the South Pender Island Local Trust Committee proposed Bylaw No. 117, cited as ""South Pender Island Land Use Bylaw No. 114, 2016, Amendment No.1, 2019" be read a Third time.
4. That the South Pender Island Local Trust Committee proposed Bylaw No. 117 cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No.1, 2019" be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.
5. That the South Pender Island Local Trust Committee review the Islands Trust Policy Statement Directives Only Checklist and determine that Bylaw No. 117, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No.1, 2019", is not contrary to or at variance with the Islands Trust Policy Statement.

2. Do not approve the proposed bylaw

That South Pender Island Local Trust Committee proposed Bylaw No. 117, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No.1, 2019" not be approved.

3. Hold amendment in abeyance pending the outcome of the STVR policy review.

That South Pender Island Local Trust Committee proposed Bylaw No. 117, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No.1, 2019" be held in abeyance pending the outcome of the STVR policy review.

NEXT STEPS

Forward proposed bylaw No. 117 to the Secretary of the Islands Trust for Executive Approval.

Submitted By:	Narissa Chadwick RPP Island Planner	December 3, 2019
Concurrence:	Robert Kojima RPP Regional Planning Manager	December 5, 2019



ATTACHMENTS

1. Proposed Bylaw 117
2. Policy Statement Directives Only Checklist Form

PROPOSED

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 117

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

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

1. Citation

This bylaw may be cited for all purposes as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No.1, 2019"

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

1. Section 5.1 (Rural Residential Zones) is amended under "Permitted Uses" by deleting "(1)(d) Short-term vacation rental of a dwelling;" and replaced with "*rescinded*"
 2. Section 5.1 (Rural Residential Zones) is amended under "Conditions of Use" by deleting "(8) Only one dwelling or cottage may be used for short-term vacation rental on a lot at the same time." and replaced with "*rescinded*"
 3. Section 5.5 (Agriculture (A)) is amended under "Permitted Uses" by deleting "(1)(d) Short-term vacation rental of a dwelling;" and replaced with "*rescinded*"
 4. Section 5.5 (Agriculture (A)) is amended under "Conditions of Use" by deleting "(10) Only one dwelling or cottage may be used for short-term vacation rental on a lot at the same time." and replaced with "*rescinded*"
 5. Section 5.6 (Forestry (F)) is amended under "Permitted Uses" by deleting "(1)(a) Short-term vacation rental of a dwelling;" and replaced with "*rescinded*"
 6. Section 5.6 (Forestry (F)) is amended under "Conditions of Use" by deleting "(8) Only one dwelling or cottage may be used for short-term vacation rental on a lot at the same time." and replaced with "*rescinded*"
 7. Section 5.7 Natural Resource (NR) under "Permitted Uses" by deleting "(1)(c) Short term vacation rental of a dwelling;" and replaced with "*rescinded*"
 8. Section 5.7 Natural Resource (NR) under "Conditions of Use" by deleting "(7) Only one dwelling or cottage may be used for short-term vacation rental on a lot at the same time" and replaced with "*rescinded*"
3. 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.

SECRETARY

7



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: 117

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committee address certain matters in their official community plans and regulatory bylaws and 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 CHECK LIST

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.
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	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
N/A	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.
N/A	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.
N/A	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	
✓	COMPLIANCE WITH TRUST POLICY
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:

File No.: SP-6500-20
(2019 STVR Review)

DATE OF MEETING: December 16, 2019
TO: South 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

RECOMMENDATION

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

REPORT SUMMARY

The purpose of this report is to seek direction from the South Pender Island Local Trust Committee (LTC) to adopt the project charter (Attachment 1) for the South Pender Island STVR Review and direct staff to initiate the public engagement process. The report provides background and discussion of the current status of STVRs on South Pender as well as information on STVR review projects on other islands.

The report recommendation to support the project charter for a review of STVR policy that includes public engagement opportunities reflects the need for more information on existing conditions and public interest in order to inform decisions related to STVR policy and regulation.

BACKGROUND

The South Pender Island Land Use Bylaw defines short term vacation rental (STVR) as the “commercial use of a dwelling or cottage to provide accommodation for people for periods of less than 30 consecutive days to persons who normally maintain a residence elsewhere”.

There are two classes of STVRs on South Pender Island:

\\\\islandstrust.local\\DFSMain\\EDM\\12 Long Range Planning\\11 SP\\6500 LTC Work Program\\20 Projects (P)\\2019 - STVR Review\\Staff reports\\2019 STVR Discussion Paper_South Pender (draft).docx

- 1) **STVRs as a Permitted Principal Use:** Currently the land use bylaw (LUB) allows STVRs in a dwelling as a permitted principal/outright use in zones allowing single family dwellings as a principal use (Rural Residential, Agricultural, Forestry, and Natural Resource zones).
- 2) **STVRs as Home Business:** the LUB permits STVRs as a home business provided the property owner or operator or one of the employees of the home business is a resident on the lot at the time the home business is operated. This includes rental of a cottage and/or the use of the principal residence as a Bed and Breakfast, allowing up to 3 bedrooms to be rented.

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

In addition to allowing short term vacation rentals as home occupation the OCP supports the existence of commercial guest accommodation in the commercial resort zone. Specifically, the area where the Poets Cove Resort and Spa is located.

South Pender Island STVR History

2000 -2002 OCP review acknowledges need for STVRs to be recognized in policy.

2002 OCP amendment provided policy guidance on residential and short term rental use of both single family dwellings and cottages. Zoning regulations were developed to support OCP direction.

2005 Southern Gulf Islands Accommodation Inventory. Report identifies 12 STVRs and 1 Bed and Breakfast on South Pender Island.

2011 OCP Review changes to the STVR policies and regulations were not considered. No changes to STVR policy were made.

2016 LUB Review changes to the STVR policies and regulations were not considered. No major changes to STVR regulations are made.

There have been no major bylaw enforcement issues related to STVRs

Recent Discussion, and Actions Taken, Related to STVR Policy

September 6, 2019 at the South Pender LTC meeting the issue of STVRs was referred to the Advisory Planning Commission (APC) for consideration.

September 21, 2019 the APC held an initial meeting to consider the Short Term Vacation Rentals referral.

October 18, 2019 a Special Meeting of the South Pender LTC was held to explore the process for placing a moratorium on STVRs as a principal permitted use in all zones prior to and during the time a review of STVR policy is underway. LTC directed staff to initiate the process to remove STVR as a permitted use in zones where currently permitted as an outright use.

November 1, 2019 Bylaw 117 removing STVR as a permitted principal use in zones where currently permitted (Residential, Agricultural, Forestry and Natural Resource) was read for the first time.

December 7, 2019 Community Information Meeting to discuss bylaw amendment was held.

Existing Legal Indoor Guest Accommodation on South Pender:

As indicated above, there are two classes of STVRs operating in zones permitting residential use on South Pender (Rural Residential, Agricultural, Forestry, and Natural Resource). In addition, there is guest accommodation available in the commercial resort zone. The table below compares legal indoor guest accommodation available on South Pender. The details of relevant policies are included in Appendix 2.

Type of Accommodation	Applicable Zones	Key Policy and Regulation	Current Status
STVRs as a Permitted Principal use The use of a dwelling or cabin as guest accommodation. There is no requirement that a full time resident be living on the property when the dwelling or cabin is being rented to short term guests.	Rural Residential One (RR1) Rural Residential Two (RR2) Rural Residential Three (RR3) Agriculture (A) Forestry (F) Natural Resource (NR)	STVRs are identified as a permitted principal use in all zones allowing residential use. A single family dwelling is not to be used for short-term rental during the time when a cottage is being used for this purpose. Lots having more than one single family dwelling are to be limited to using not more than one for short term rental at any one time.	As there is no permitting process the exact number is unknown. A 2005 study of tourist accommodation on the Islands identified 12. Current estimations from residents is between 16-18.
STVRs as a Home Business STVRs as accessory to permitted residential use where there is residential use of a single family dwelling. The property owner or operator or one of the employees of the home business is a resident on the lot on which the home business is conducted at the time the home business is operated. Rental of Cottage Where a cottage is permitted the rental of the cottage is allowed as a home business. Bed and Breakfasts A home business comprising the provision of sleeping accommodation and includes provision of only a morning meal to paying guests.	Rural Residential One (RR1) Rural Residential Two (RR2) Rural Residential Three (RR3) Agriculture (A) Forestry (F) Natural Resource (NR)	Permitted outright provided that business meets the requirements under of the South Pender Land Use Bylaw (see relevant bylaw sections in Appendix A). Only one cottage per lot may be used for short-term vacation rental at the same time as a dwelling on the same lot is being used for short term vacation rental. Lots having more than one cottage are limited to using not more than one cottage for short term rental at any one time. The B&B business may be undertaken in a permitted cottage and/or up to 3 bedrooms in the primary dwelling.	As a permit is not required and there has not been a recent inventory of home based business accommodation an exact number operating is not known. An estimate can be identified through public input. A 2005 study of tourist accommodation on the Islands identified 1 Bed and Breakfast. Current estimations from residents is 3.
Commercially zoned guest accommodation: This consists of hotel type guest accommodation which involves successive occupancy by different people of a hotel villa, hotel room or hotel cottage.	Commercial Resort (C)	Permitted by current zoning in Commercial Resort (C) Zone. Any application of uses outside the Commercial Resort Zone would require a rezoning.	Poets Cove Resort and Spa is the only commercially zoned guest accommodation on South Pender Island. It includes 22 lodge rooms, 15 cottages and 9 villas.

STVR Policy Reviews on Other Islands:

The South Pender LTC is not alone in its interest in reviewing STVR Policy.

On Galiano Island, STVRs that are not home businesses have been permitted with a temporary use permit. 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 Galiano LTC is currently consulting with the community on their perspectives and experiences with STVR(NHB)s on the island, 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 Island LTC, which also uses temporary use permits to permit STVRs that are not home businesses, has also initiated a process to consider reviewing their STVR policies. They are currently identifying the type of process they will engage in.

See Attachment 3 for an overview of STVR Policy across the Islands Trust.

RATIONALE FOR RECOMMENDATION

Recommendation:

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

The recommended process for reviewing existing short term vacation rental policies identified in the draft project charter places emphasis on public engagement. Given South Pender's small population, staff feel that the type of detailed research and analysis that was undertaken for Galiano Island is not necessary to determine the number and type of STVRs operating on South Pender. At the November 1st LTC meeting there appeared to be general consensus on the part of the LTC on the number of STVR businesses operating on South Pender and this number can be further refined through 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. Reducing this time would require reducing time devoted to public engagement. The recommended process includes:

- Identification of number of locations of known STVRs on South 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:

Dec. 16 2019 -----May 2020-----February 2021				
Project Initiation: development and approval of project charter and process	Public Engagement Preparation and Scheduling: survey prep, scheduling, logistics	Public/Stakeholder Consultation: Workshops 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)

Next Steps

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

Submitted By:	Narissa Chadwick, RPP Island Planner	November 27, 2019
Concurrence:	Robert Kojima, Regional Planning Manager	December 3, 2019

ATTACHMENTS

1. Project Charter
2. Relevant OCP policies and LUB regulation
3. STVR Islands Trust Policy Overview

ATTACHMENT 1 - South Pender Island STVR Review - Charter v1

South Pender Island LTC

Date: December 2, 2019

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

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

Objectives

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

In Scope

- Identification of number of locations of known STVRs on South Pender.
- Research and analysis of existing STVR regulations and policies.
- Public outreach including a community survey 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	Sept 6/2019
Report on project process and endorsement of project charter	Dec. 16/2019
Complete public/stakeholder outreach (including public meeting)	April/2020
Report to LTC on public engagement results and policy options for LTC direction	May 1, 2020
Draft Bylaws for LTC review	June /2020
Community Information meeting	July 2020
Bylaw amendment first reading	Sept. 4/2020
Bylaw referrals	Sept.-Oct. 2020
Public Hearing, further reading	Nov. 6, 2020
Bylaw amendment process completed	Early/2021

Project Team

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

Budget

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

ATTACHMENT 2: Relevant Official Community Plan (OCP) Policies and Land Use Plan (LUP) Regulations

OCP General STVRs Definitions and Policies	3.1.2 (3)(ii) On lots where a single family dwelling is allowed as a principal use, short-term rental of those dwellings may be allowed, subject to regulation..... 3.1.2 (e)(iii) Land use regulations applicable to short-term single family dwelling rentals are to be developed with the perspective of land use compatibility, as contained in the General Policies of this OCP. Their primary purpose is to minimize adverse effects on adjacent lots and on the community in General. 3.1.1 (a) (ii), 3.5.2 (d) (iv), 3.6.2 (b) Land use regulatory bylaws are to make provision for the uses customarily associated with rural living including short-term rental of a single family dwelling and home occupations.
LUB General Policies and Definitions	“short term vacation rental” means the commercial use of a dwelling or a cottage to provide accommodation for periods of less than 30 consecutive days to persons who normally maintain a residence elsewhere. 3.1.2 (a) Land Use i) Single family residential use is to be the predominant principal land use on lands designated Rural Residential (RR). South Pender Island Official Community Plan Bylaw No. 107, 2011 9 ii) Other allowed uses on Rural Residential designated lands are to be compatible, both in type and scale, with small lot rural residential living. Land use regulatory bylaws are to make provision for the following uses customarily associated with small lot rural living: short-term rental of a single family dwelling;
OCP Policies Related to STVRs as Home Business	3.1.2 (e)(ii) On lots where a single family dwelling is allowed as a principal use, short-term rental of those dwellings may be allowed, subject to regulation. A single family dwelling is not to be used for short-term rental during the time when a cottage is being used for this purpose. Lots having more than one single family dwelling are to be limited to using not more than one for short term rental at any one time 3.1.2 (e) (ii) 3.5.2 (d)(iv).3.6.3 (b)(iii)...Land use regulatory bylaws are to make provision for the following uses customarily associated with small lot rural living: short-term rental of a single family dwelling....
LUB Policies related to STVRs as Home Business	"home business" means a commercial use that is accessory to a permitted residential use on the same lot and includes, where permitted, the use of a cottage for short term vacation rental. 3.1.2 (e)(1) Lots having more than one cottage are limited to using not more than one cottage for short term rental at any one time. 3.6 (1) Home businesses permitted by Part 5 include any home craft, repairing of goods, professional practice, services to a client, creation of a product, short-term vacation rental of cottages, bed and breakfasts, 3.6 (8) The following additional regulations apply to bed and breakfast home businesses: (a) bed and breakfast home businesses are permitted only in the Rural Residential One, Rural Residential Two, Rural Residential Three, Agricultural, Natural Resource and Forest Zones; (b) part or all of a bed and breakfast home business may be undertaken within a permitted cottage; (c) the total number of bedrooms used to accommodate overnight guests may not exceed three; (d) despite Subsection 3.6(6) not more than one non-resident person may be engaged or employed in a bed and breakfast home business; (e) meals may only be provided to bed and breakfast guests in the morning; (f) off-street parking spaces for a bed and breakfast home business use shall be provided in accordance with the requirements contained in Part 7; and (g) a bed and breakfast home business may not be undertaken within an accessory building 3.6 (9) The following additional regulations apply to the short-term vacation rental of a cottage as a home business:

	(a) Short-term vacation rental of a cottage is permitted in the Rural Residential One, Rural Residential Two, Rural Residential Three, Agriculture, Natural Resource and Forest zones only; (b) a cottage shall not be used for short-term vacation rental at the same time as a dwelling on the same lot is being used for short-term vacation rental; and, (c) only one cottage per lot may be used for short-term vacation rental
OCP Policies related to STVRs as a Permitted Principal/Outright Use	3.1.2 (a) Land Use (ii)Land use regulatory bylaws are to make provision for the following uses customarily associated with small lot rural living: short-term rental of a single family dwelling.... 3.1.2 (e)(ii) Short term Rental of Single Family Dwellings • On lots where a single family dwelling is allowed as a principal use, short-term rental of those dwellings may be allowed, subject to regulation. A single family dwelling is not to be used for short-term rental during the time when a cottage is being used for this purpose. Lots having more than one single family dwelling are to be limited to using not more than one for short term rental at any one time. • Land use regulations applicable to short-term single family dwelling rentals are to be developed with the perspective of land use compatibility, as contained in the General Policies of this OCP. Their primary purpose is to minimize adverse effects on adjacent lots and on the community in genera
LUB Policies related to STVRs as a Permitted Principal/Outright Use These policies are proposed to be amended by Bylaw 117.	5.1 Rural Residential Zones (Permitted Uses) (1)(d) 5.5 Agriculture (Permitted Uses) (1) (d) 5.6 Forestry (Permitted Uses) (1) (e) 5.6 Natural Resource (Permitted Uses) (1) (c) 5.1 (8), 5.5 (10), 5.6 (8), 5.7 (7) Conditions of Use Only one dwelling or cottage may be used for short-term vacation rental on a lot at the same time.
OCP Policies related to Commercially Zoned Guest Accommodation	3.2.2 (c) Regulations implementing this OCP are to allow for the existing commercial lands to permit visitor accommodation as a principal use, with accessory retail and services. 3.2.2 (e) If the Local Trust Committee considers proposals for commercial uses for new visitor accommodation, the commercial use is to be the predominant principal land use, with residential use being allowed only on an accessory basis and being limited to one dwelling unit for an owner or operator and, depending on the scale of the development, additional dwelling units for employees. 7.1 Development Permit Area One – Form and Character (see OCP for details)
Land Use Bylaw Policies	5.2 Commercial (C) Permitted Uses (1)The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited: (a) Resort hotel; (b) Boat ramp, boat, bicycle and sport equipment rental, resort activity centre, fitness facility; and, (c) Uses accessory to the principal use permitted under 5.2(1)(a) and (b): retail sales, administrative offices and business facilities, child care and service, maintenance, laundry, shower and housekeeping facilities, marine related sales and service, cold beer and wine retail sales; accommodation of individual persons employed at the resort by the hotel operator for wages or salary, in respect of permitted uses, in a dormitory building accessory to the hotel use.

ATTACHMENT 3 – STVR Policy Across the Islands Trust

STVR Policy Overview Table	STVRs permitted in cottages	STVRs permitted in dwellings	STVRs permitted as home occupation	STVRs permitted via TUP	STVRs permitted via zoning	B&Bs permitted	Proactive enforcement	Complaint-based enforcement
Bowen	X	X			X	X		X
Denman		X	X			X	X	
Gabriola				X		X		X
Galiano	X	X	X	X		X	X	
Gambier	X	X	X					X
Hornby	X	X	X	X	X	X	X	
Lasqueti						X		X
Mayne	X		X	X*		X	X	
North Pender	X	X	X	X		X	X	
Salt Spring						X	X	
Saturna	X		X	X		X		X
South Pender	X	X	X	X*	X	X		X
Thetis	X		X	X		X		X

*While permitted via TUP, this island does not have specific STVR TUP guidelines.