

ADOPTED



Islands Trust

North Pender Island Local Trust Committee Minutes of Special Meeting

Date: February 6, 2016
Location: Royal Canadian Legion
1344 MacKinnon Road, North Pender Island, BC

Members Present: George Grams, Chair
Dianne Barber, Local Trustee
Derek Masselink, Local Trustee

Staff Present: Justine Starke, Island Planner
Seth Wright, Acting Planner Two
Shannon McConchie, Recorder

Regrets: None

Public Present: There were approximately seventy (70) members of the public present.

1. CALL TO ORDER

Chair Grams called the meeting to order at 1:01 pm. He introduced the Local Trust Committee (LTC) and staff. Chair Grams provided an overview of the meeting's format and encouraged the public to participate actively.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. PRESENTATION AND INFORMATION

Chair Grams invited Planner Starke to facilitate the workshop.

Planner Starke provided an overview of the meeting's structure and goals of each section. She then gave a presentation which included the following points:

- An overview of the previous special LTC meeting on Short Term Vacation Rentals (STVR) and the outcomes of that meeting.
- Regulatory options for STVRs including Temporary Use Permits (TUPs), accessory use, rezoning, home-based businesses, and principal use.
- An overview of the Islands Trust's planning framework.

During the presentation, community members were invited to ask questions and the following information was provided in response to those questions:

- TUPs transfer with the sale of a property, unless there are conditions in the TUP which prevent this.

- Zoning Bylaw changes require amendments to the Land Use Bylaw (LUB).
- Variance permits cannot be used to vary land use or density.
- It is a policy of the Official Community Plan (OCP) that STVRs are not allowed as principal uses in residential zones.
- An overview of the OCP amendment process was provided to illustrate the difference in rigour compared with amendments to the LUB.

Members of the community raised the issue of holding a referendum regarding STVRs. Planner Starke provided an explanation of the governance process and explained the reasons why referendums are not a legal option for the LTC.

4. BREAK OUT GROUPS

Planner Starke provided an explanation of the break-out group process and an overview of the worksheets that each group would receive.

Julie Roper, a member of the North Pender Advisory Planning Commission (APC) spoke and requested that her comments be recorded in the minutes. The following points were made:

- This meeting was being presented as a way to determine the community's opinion on STVRs.
- Today's meeting will not provide reliable data.
- The LTC should prioritize conducting a reliable survey to determine what the community wants.
- She would assist with the creation of the survey if invited to do so.

A suggestion was made by a member of the community that the small groups be rearranged so that the groups represented a diversity of opinion. The public expressed general consensus and broke out into small groups at 1:47 pm.

Some members of the community left the facility during the small group discussions. The LTC and staff circulated among nine groups with approximately five participants in each group, a total of 44 participants.

5. REPORT BACK

Planner Starke brought the larger group back together at 2:39 pm and commended the public on their work.

She invited each group to report with an overview of their responses to the regulations on their worksheet.

Group 1 reported the following points:

- Lengthy discussion on Item 6, "More than one dwelling or cottage per lot may be used as a short term vacation rental at any one time," provoked a lot of discussion, with agreement in the end.
- Added a regulation "Groups comprised solely of young adults, aged 17-21 years, are not permitted."

- Noted that they would like to see the LTC choose an option that does not involve changes to the OCP in consideration of how long the process would take.

Group 2 reported the following points:

- Amended number 3 from “Short Term Vacation Rentals are only permitted where the owner or an operator live on the property” to “Short term Vacation Rentals are permitted where the owner or responsible designated person are present on the island during occupancy.”

Group 3 reported the following points:

- Noted that they were not able to clearly understand number 11, “STVRs should only be permitted in certain zones on the island.”
- Strong consensus in agreement with number 12, “STVRs should not be permitted in certain locations”.
- Added a regulation, “STVRs must be licensed so that the licence can be revoked”.
- Added a regulation, “Neighbours should have contact numbers”.
- Noted that bylaw must be enforced.

Planner Starke noted that neither the LTC nor the Capital Regional District (CRD) have the authority to provide or require business licences. She also noted that TUPs can include some of the regulations that a business licence would.

A discussion was held regarding TUPs and the cost and time associated with them.

Planner Starke noted that the LTC can set the fee for TUPS and does have the ability to streamline the process, thus reducing the application time from the current 6-8 weeks. She further noted that several of the requirements that are reflected in the timeline are legislated and outside of the LTC’s control.

Group 4 reported the following points:

- No consensus on number 1, “STVRs are permitted in Commercial Zones, but not permitted in Residential Zones.
- No consensus on number 12 and discussion of water resource concerns.
- Consensus in agreement with number 6 and number 8, “Two off-street parking spots must be provided for the STVR”.

Group 5 reported the following points:

- Amended number 8 to read “No street parking at all”.
- Noted that regulations must be enforceable and include a phone system that is responsive.
- Added the following recommendations on rules and regulations:
 - STVRs should be taxed.
 - Water should be considered
 - Insurance should be considered.

A discussion was held regarding the issue of taxes and equitable treatment of STVRs and commercial lodging.

Planner Starke noted that tax laws are beyond the LTC.

Group 6 reported the following points:

- Regarding number 1, the distinction between commercial and residential is not an issue as STVRs should be either allowed or not.
- Amended number 3 to require that the owner or designated point of contact is on island.
- Recommended that the point of contact must have authoritative power, including power to evict. Noted that this would cover most of the other issues.

Group 7 had reviewed TUP regulations and reported the following points:

- Agreed with all except the limitation of seasonal occupancy.
- Debate over regulating the number maximum of bedrooms and guest. Agreed two persons per bedroom and did not want to specify the total number of bedrooms.
- Noted the cost of the permit and the term of renewal, recommended two years and a cost of \$200.
- Recommended enlarging the notification radius from 100 meters to account for larger properties and noise carried by water.
- Agreed that inside the STVR all relevant information must be posted, including emergency information and waste removal.

Group 8 reported the following points:

- Agreed with all of them
- Emphasized number 3.
- Added a regulation "Rental property owner must be responsible for the actions of the renter and provide them with a list of rules."

Group 9 had reviewed TUP regulations and reported the following points:

- Expand the radius from 100 to 200 meters.
- Recommended posting of contact information at property line for the purposes of emergency services.
- Recommended STVR definition to specifically include AirBnB rentals so that there was no question.
- Recommended no off-island watercraft use on Magic Lake and Buck Lake.

A member of the community spoke and noted that there was no further regulation needed beyond the laws and bylaws already in place. As a business owner, he noted that STVRs had economic benefit to the younger members of the community.

Planner Starke noted that a survey would be available online and that the data from that survey and the past two meetings would be presented to the LTC who would then give further direction to staff. She invited participants to share their opinions on what the next steps should be. The following comments were made:

- Draft a ByLaw
- Seek the opinion of the silent majority as these meetings provide only the vocal minority

- Provide the public with a brief overview of what staff had learned from these meetings.

A discussion was held regarding seeking greater community feedback. The following points were made:

- The community had already been consulted in their election of the Trustees.
- Those who attend the meeting are a biased group and cannot be taken as representative of community's opinion.
- Those who attend the meeting are the ones who are passionate on either side of the issue and potentially are representative of the community.
- While consultation is important, eventually a decision must be made in a timely manner.
- The meetings have shown that people on either side of the issue can come together and work.
- Meetings can be confrontational and this discourages business owners and the elderly from attending.

Planner Starke noted that she was not hearing from the participants that they felt that another community meeting would be beneficial. There were no voices of dissent.

6. SURVEY

Planner Starke provided instructions on how to vote with the electronic remote system.

Planner Starke read the questions in sequence and invited the public to vote, noting that the program would record the results.

A discussion was held regarding non-dwelling rentals including tent spots. Planner Starke invited participants in the discussion to schedule a meeting with her to discuss the bylaw.

Following the survey, Planner Starke invited further comments from the public.

A member of the community commented that some of the attendees who left earlier had commented that they were leaving because STVRs were going to happen and they were not going to have a say. She recommended that the upcoming survey address the suggestion that regulations include the requirement that an operator be on-island and have the authority to deal with any issues that arise.

Planner Starke reported that the staff report would come to the LTC at a future meeting. She noted that a decision on whether to change the bylaws would not be possible in time for the summer season, but that if someone wanted to run an STVR this year that they could apply for a TUP and that is the only way to have a legal STVR at this point in time

8. ADJOURNMENT

Chair Grams thanked Planner Starke

By general consent the meeting was adjourned at 3:49 pm.

George Grams, Acting Chair

Certified Correct:

Shannon Brayford, Recorded