

# Adopted



## South Pender Island Local Trust Committee Minutes of Special Meeting

**Date:** December 16, 2019  
**Location:** South Pender Fire Hall  
8961 Gowlland Point Road, South Pender Island BC

**Members Present:** Laura Patrick, Chair  
Cameron Thorn, Local Trustee  
Steve Wright, Local Trustee

**Staff Present:** Robert Kojima, Regional Planning Manager  
Narissa Chadwick, Island Planner  
Sheree Rialp, Recorder

**Public:** There were approximately 17 members of the public present.

### 1. CALL TO ORDER

Chair Patrick called the meeting to order at 10:31 a.m. She acknowledged that the meeting was being held in the traditional territory of the Coast Salish First Nations.

### 2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

### 3. PUBLIC HEARING RE: BYLAW NO. 117

#### 3.1 Recess for Public Hearing

Chair Patrick recessed the meeting at 10:33 a.m. to hold the Public Hearing on proposed Bylaw No. 117.

#### 3.2 Recall to Order

Chair Patrick recalled the meeting to order at 11:14 a.m.

### 4. LOCAL TRUST COMMITTEE PROJECTS

#### 4.1 Short-Term Vacation Rental (STVR) / Bylaw No. 117 – Staff Memo

Planner Chadwick gave a brief summary of the Staff Report.

Trustees Thorn and Wright expressed their appreciation to those in the community who contributed their thoughts and ideas, gave written submissions and attended the Public Hearing. Trustee Wright gave a short history of the development of policies surrounding Short Term Vacation Rentals (STVRs) from adoption of the Official Community Plan (OCP) in 2002 and the Land Use Bylaw (LUB) in 2003, noting that South Pender had the most permissive rules on STVRs. The following major issues regarding Bylaw No. 117 that were raised at the Public Hearing by island residents were clarified:

- Bylaw No. 117 is a temporary restrictive measure based on a precautionary approach. It recognizes the importance of STVRs to the community, and will give residents the opportunity to provide input in formulating regulations to make sure the operation of STVRs is consistent with community values. Public engagement, input and participation does not end with approval of the bylaw, but rather is just the beginning of it;
- The role of trustees is to prevent future problems surrounding STVRs from occurring, as presently there are no measures or system in place to collect the data or process complaints. Other small communities have been having problems with growing STVRs; Bylaw 117 is intended to keep the same from happening in South Pender Island;
- Trustees followed all legal requirements in posting notices and timelines and in presenting the bylaw to the public;
- The objective of a STVR moratorium is to temporarily halt the creation and operation of STVRs in order to engage the community in conversation to discuss its parameters, such as how many should be on the island, spacing requirements, etc. This will pave the way for new and existing STVRs to be more efficiently managed. Trustees will present a course of action and timeline for the community to review and approve. The moratorium is not designed to displace long-term rentals, nor is it created to eventually become a permanent prohibition. Trustees have also looked into other alternatives for a moratorium, but could find none.
- Bylaw No. 117 is consistent with the intent and directive policies of the OCP. It balances regulations surrounding STVRs with community interests, and will provide opportunity to bring more clarity to the community's expressed vision and policies within the OCP.
- The amendment bylaw is essential in addressing issues surrounding STVR properties affected by grandfathering. Maintaining status quo without a moratorium would allow residents to create more STVRs, resulting in more residences with special rights and unfair advantages associated with their grandfather status.
- There have been comparisons made between commercial and residential rentals. Commercial properties are charged higher rates in property taxes and insurance premiums. They must comply with health, fire, and public safety regulations. All commercial income is taxable, while income from residential rentals are not. Commercial properties are exempt from the moratorium because they have been operating for years, and timeshare owners cannot privately rent their cottages.

RPM Kojima stated that Islands Trust lawyers will review the legal opinion submitted by Wes McMillan.

Chair Patrick stated that she believes in the importance of having regulations in place, citing Salt Spring Island as an example of ongoing enforcement. However, she noted that she has not seen one piece of correspondence in support of Bylaw 117, so she will be voting against the proposed amendment.

**SP-2019-031**

**It was Moved and Seconded,**

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 read a second time.

**CARRIED**

**SP-2019-032**

**It was Moved and Seconded,**

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 read a third time.

**CARRIED**

Trustee Thorn noted that the motion below only guarantees that Bylaw 117 will be moved forward but not necessarily adopted, due to legal questions and other considerations that need to be addressed. He advised residents to raise any questions they have on the process.

**SP-2019-033**

**It was Moved and Seconded,**

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 forwarded to the Secretary of the Islands Trust for Executive Committee approval.

**CARRIED**

**SP-2019-034**

**It was Moved and Seconded,**

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.

**CARRIED**

RPM Kojima reminded the public that at this point the Local Trust Committee cannot receive new submissions, so any technical questions or questions concerning process that residents have should be directed to Islands Trust staff.

#### 4.2 Project Charter – STVR Review - Staff Report

Planner Chadwick gave a summary of the Staff Report.

Chair Patrick declared a Town Hall Meeting on the Project Charter-STVR review at 12:02 p.m. to accommodate input from the public.

- Disappointment was expressed as a lot of the disparaging comments, dissension, and perceived issues in the community on this proposed moratorium could have been alleviated. .
- A question was raised on whether a similar process was taking place on Galiano Island. Planner Chadwick stated that there is a process in place, which can be read on the Islands Trust website.
- A comment was made that, compared to other islands, South Pender does not have the same problems with their STVRs. While there is agreement on the idea of a process, there is some concern regarding its execution.
- A question was raised regarding the review's timeline. Trustee Wright clarified that the review will continue until February 2021. Planner Chadwick confirmed that the public engagement process and information-gathering will likely extend to May 2020, followed by a process to develop the policies, review by the Executive Committee, and a review by the Ministry.
- There was a comment that the short timeline will make it difficult to consult the whole island community and achieve a full discussion. Advice was -given regarding the need to rebuild trust in the community because, although the project charter is a good start, some damage has already been done.

Chair Patrick declared the Town Hall Meeting closed at 12:14 p.m. and the special meeting resumed.

##### **SP-2019-035**

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

that the South Pender Island Local Trust Committee adopt the proposed Project Charter for the South Pender Island STVR Review.

**CARRIED**

##### **SP-2019-036**

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

that the South Pender Island Local Trust Committee request staff to prepare for and schedule public engagement opportunities.

**CARRIED**

**SP-2019-037**

**It was Moved and Seconded,**

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.

**CARRIED**

**5. ADJOURNMENT**

**By general consent** the meeting was adjourned at 12:15 p.m.

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Laura Patrick, Chair

Certified Correct:

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Sheree Rialp, Recorder