



DATE OF MEETING: February 1, 2021
TO: Galiano Island Local Trust Committee
FROM: Brad Smith, Island Planner
Victoria Office
SUBJECT: STVR Review – Bylaw No. 275 – Post Public Hearing

RECOMMENDATION

1. That the Galiano Island Local Trust Committee proposed Bylaw No. 275, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1”, be read a third time.
2. That the Galiano Island Local Trust Committee proposed Bylaw No. 275 be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.
3. That the Galiano Island Local Trust Committee proposed Bylaw No. 275 be forwarded to the Minister of Municipal Affairs for approval.

REPORT SUMMARY

The intent of proposed Bylaw No. 275 is to amend the Galiano Island Official Community Plan No. 108, 1995 (OCP) to restrict the issuing of Temporary Use Permits (TUPs) for Short term Vacation Rental (STVR) land uses in the Galiano Island Local Trust Area.

The recommendations above are supported as:

- Significant research and community outreach has taken place to help inform the LTC on this topic;
- The proposed changes will not affect home occupation STVRs or existing TUP holders; and
- The bylaw has been sent out for agency referral and no responses were received.

BACKGROUND

The Galiano Island Local Trust Committee (LTC) is considering Bylaw No. 275 that would amend the OCP to restrict the issuing of TUPs for STVR land uses in the Galiano Island Local Trust Area. The proposed changes will **not** affect home occupation STVRs.

A public hearing is scheduled for February 1, 2021. 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. Forwarding of the bylaw to the Minister's office for approval (OCP amendment bylaws only).
5. 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 and the Minister approve the bylaw, the next step for the LTC would be to adopt the bylaw.

Rationale for Recommendation:

Based on the foregoing, the recommendations on page 1 are supported as:

- Significant research and community outreach has taken place to help inform the LTC on this topic;
- The proposed changes will not affect home occupation STVRs or existing TUP holders;
- The bylaw has been sent out for agency referral and no responses were received; and,

ALTERNATIVES

1. Make amendments to the bylaw(s).

The LTC may amend the bylaw(s).

Resolution:

That Galiano Island Local Trust Committee proposed Bylaw No. 275, cited as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1" be amended as follows:

2. Receive for information

The LTC may receive the report for information.

3. Proceed no further with the bylaw.

The LTC may decide to proceed no further with Bylaw No. 275.

Resolution:

That the Galiano Island Local Trust Committee proceed no further with Bylaw No. 275.

NEXT STEPS

Upon direction from LTC, staff will send proposed Bylaw No. 275 to the Islands Trust Executive Committee and the Minister.

Submitted By:	Brad Smith, Island Planner Southern Team	January 19, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	January 20, 2021

ATTACHMENTS

1. Proposed Bylaw No. 275

PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 275

A BYLAW TO AMEND GALIANO ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 108, 1995

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

1. CITATION

This Bylaw may be cited for all purposes as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2020".

2. SCHEDULES

Galiano Island Official Community Plan No. 108, 1995 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	1 ST	DAY OF	JUNE	2020
READ A SECOND TIME THIS	2 ND	DAY OF	NOVEMBER	2020
PUBLIC HEARING HELD 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

**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 275**

SCHEDULE 1

The Galiano Island Official Community Plan No. 108, 1995, is amended as follows:

- 1) Section VII, Subsection 1 (Circumstances) is amended by inserting a new article (iii) as follows:

“iii) A Temporary Use Permit shall not be issued by the Local Trust Committee for the purpose of a commercial vacation rental.”

- 2) Section VII, Subsection 2 (Objectives) is amended by deleting article iii in its entirety.
- 3) Section VII, Subsection 2 (Objectives) is amended by reordering article iv as article iii.