



DRAFT BYLAWS PERMITTING AND REGULATING SHORT TERM VACATION RENTALS ON HORNBY ISLAND May 2010

Dear Hornby Island Property Owner and/or Resident:

Short-term vacation rental is the renting of accommodation (usually a house) for overnight accommodation to transient guests whose normal domicile is elsewhere. This use is considered a commercial use of a residential property. As the Hornby Island Land Use Bylaw No. 86 establishes different zones for commercial accommodation use and residential use, the bylaw clearly intends to differentiate the two uses. The Hornby Island Land Use Bylaw makes provisions for vacation accommodation in the commercial zones by allowing hotels and cabins in certain locations, and in the residential zones by allowing bed and breakfast accommodation on most residential lots. For these reasons, a short-term vacation rental of a dwelling unit in a residential zone is not currently permitted on Hornby Island.

In 2003 the revised Official Community Plan (OCP) included a policy that would enable vacation rentals as a home occupation in accordance with Land Use Bylaw (LUB) regulations, to be subsequently developed.

In 2004 the Local Trust Committee (LTC) included in its work program a project to implement this OCP policy in order to permit and regulate vacation rentals in the Land Use Bylaw. However, professional advice indicated that vacation rentals could not be included as a home occupation. The LTC then conducted extensive community consultations over several months about how to address this issue. These consultations provided a good sense of the significance of vacation rentals to property owners and the local economy as well as identifying valid concerns.

In 2005 the Hornby Island Local Trust Committee distributed a community questionnaire regarding the permitting and regulation of short-term vacation rentals. Fifty-seven percent of respondents felt that short-term vacation rentals had a beneficial impact on the Island and the community, and 28% felt they had a detrimental impact, with 14% feeling that the benefit was neutral or mixed. Respondents were generally split on the question of whether short-term vacation rentals should be allowed as a permitted use through zoning regulations (which are limited in what they can address) or allowed through Temporary Use Permits (which carry conditions to address potential impacts).

In 2006 a new Local Trust Committee came into office and the issue of permitting vacation rentals was not included in its work program; however, in 2008 the issue was added back to the LTCs work program and was referred to the Hornby Island Advisory Planning Commission (APC) for its consideration and advice. The APC solicited input, reviewed documentation and considered the issue over three meetings. The Commission recommended the use of Temporary Use Permits for allowing vacation rentals.

In July 2009 the LTC directed staff to prepare draft bylaw amendments to the Official Community Plan (OCP) and Land Use Bylaw (LUB) to enable short term vacation rentals as an accessory use to a residential use, and to enable consideration of temporary use permits for vacation rentals that exceed what is defined as a short term vacation rental.

In December 2009, the Local Trust Committee considered a staff report which advised that this proposal would be inconsistent with the Islands Trust Policy Statement because provisions would have intensified land use in areas known to have a problem with the quantity or quality of water supply. (The areas in question are the Whaling Station Bay Aquifer and the small lot subdivisions at Sandpiper and Galleon Beach). The LTC directed staff to amend the draft bylaws to exclude vacation rentals as a permitted use in the zoning regulations for small lot zones or heavily developed aquifer

areas. Direction was given to continue to allow vacation rentals in these zones and areas through applications for Temporary Use Permits with conditions to address water issues.

The LTC is now seeking early public input on these two draft bylaws prior to further consideration. The Local Trust Committee will consider all the input received from the public and other agencies before it directs staff to develop proposed bylaws (which will be subject to a Public Hearing).

These current drafts reflect an effort to balance the various considerations involved in allowing this commercial use on residential lots. The Local Trust Committee is aware that vacation rentals, conducted up to now as a non-permitted use, have become an important income stream for some property owners and that they contribute to the Island's economy. The LTC is also aware of the need to protect the residential character of residential neighbourhoods and to ensure consistency in accountability for visitor accommodation in commercial and residential zones. In addition, the LTC has a responsibility to address the protection of freshwater resources.

The use of residences for visitor accommodation is a challenging issue for many small destination communities, both in our region and around the world. The Local Trust Committee looks forward to your constructive input to help us arrive at a resolution that works well for our community and for the Island.

A Community Information Meeting on the draft bylaws is tentatively being scheduled for July 2010. This information package has been provided to assist you in understanding the proposed changes being considered by the Hornby Island Local Trust Committee. Please review this information package and write or email the Hornby Island Local Trust Committee with your views on the draft bylaws (or complete and return the comment form on the last page). You may address letters to the Hornby Island Local Trust Committee to Islands Trust, 700 North Road, Gabriola Island, BC, V0R 1X3, or send them by email to northinfo@islandstrust.bc.ca, or by fax to 250-247-7514. All background documents related to this review process and draft bylaws can be found on the website: <http://www.islandstrust.bc.ca/ltc/ho/default.cfm>.

Sincerely,

*Fred Hunt
Local Trustee*

*Tony Law
Local Trustee*

*Louise Bell
Trust Committee Chairperson*

Draft BYLAW No. 137

The intent of draft Bylaw 137 is to amend the Hornby Island Official Community Plan to permit accessory vacation rentals in specific areas of the island.

Staff Comments

Text of draft Bylaw 137

<p>(1) This bylaw amends the Hornby Island Official Community Plan.</p> <p>(2) Is the bylaw citation which is the official name of the bylaw.</p>	<p style="text-align: center;">DRAFT</p> <p style="text-align: center;">Hornby Island Local Trust Committee</p> <p style="text-align: center;">BYLAW NO. 137</p> <p style="text-align: center;">*****</p> <p style="text-align: center;">A BYLAW TO AMEND THE HORNBY ISLAND OFFICIAL COMMUNITY PLAN TO PERMIT ACCESSORY VACATION RENTALS</p> <p style="text-align: center;">*****</p> <p>The Hornby Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Hornby Island Local Trust Area under <i>the Islands Trust Act</i>, enacts as follows:</p> <ol style="list-style-type: none"> Bylaw No 104, cited as "Hornby Island Official Community Plan Bylaw No. 104, 2002" is amended as shown on Schedule 1. This bylaw may be cited as "Hornby Island Official Community Plan Bylaw 104, 2002, Amendment No. 1, 2010" <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">READ A FIRST TIME THIS</td> <td style="width: 30%;">DAY OF</td> <td style="width: 10%; text-align: right;">20</td> <td style="width: 10%; text-align: right;">xx</td> </tr> <tr> <td>PUBLIC HEARING HELD THIS</td> <td>DAY OF</td> <td style="text-align: right;">20</td> <td style="text-align: right;">xx</td> </tr> <tr> <td>READ A SECOND TIME THIS</td> <td>DAY OF</td> <td style="text-align: right;">20</td> <td style="text-align: right;">xx</td> </tr> <tr> <td>READ A THIRD TIME THIS</td> <td>DAY OF</td> <td style="text-align: right;">20</td> <td style="text-align: right;">xx</td> </tr> <tr> <td>APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS</td> <td>DAY OF</td> <td style="text-align: right;">20</td> <td style="text-align: right;">xx</td> </tr> <tr> <td>APPROVED BY THE MINISTER OF COMMUNITY AND RURAL DEVELOPMENT THIS</td> <td>DAY OF</td> <td style="text-align: right;">20</td> <td style="text-align: right;">XX</td> </tr> <tr> <td>ADOPTED THIS</td> <td>DAY OF</td> <td style="text-align: right;">20</td> <td style="text-align: right;">XX</td> </tr> </table> <p style="text-align: center;">_____</p> <p style="text-align: center;">SECRETARY CHAIRPERSON</p> <p style="text-align: center;">Hornby Island Local Trust Committee</p> <p style="text-align: center;">Bylaw No. 137</p> <p style="text-align: center;">Schedule 1</p>	READ A FIRST TIME THIS	DAY OF	20	xx	PUBLIC HEARING HELD THIS	DAY OF	20	xx	READ A SECOND TIME THIS	DAY OF	20	xx	READ A THIRD TIME THIS	DAY OF	20	xx	APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	DAY OF	20	xx	APPROVED BY THE MINISTER OF COMMUNITY AND RURAL DEVELOPMENT THIS	DAY OF	20	XX	ADOPTED THIS	DAY OF	20	XX
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<p><i>(1) Amends policy 6.3.3.8 of the OCP to exclude reference to short term rentals.</i></p> <p><i>(2) New policy 6.3.3.9 clarifying that short term rentals would only be permitted in the excluded areas if specific criteria in Section 6.9 of the OCP are met.</i></p> <p><i>(3) New text in OCP to clarify intent of regulations and justification of restrictions.</i></p> <p><i>(4) Provides direction for Land Use Bylaw to regulate short term vacation rentals where permitted with specific restrictions.</i></p>	<p>1. Schedule A, Section 6.3.3 Small Lot Residential / Water Resource Protection Area (Whaling Station Bay / Anderson Drive Area) Policy 6.3.3.8 is amended by deleting the words “and short-term rentals” with Policy 6.3.3.8 now reading:</p> <p>“6.3.3.8 Bed and Breakfasts are permitted as a home occupation (subject to 6.3.1.7) providing the number of guests does not exceed the design capacity of the approved sewage treatment system.”</p> <p>2. Schedule A, Section 6.3.3 Small Lot Residential / Water Resource Protection Area (Whaling Station Bay / Anderson Drive Area) Policy 6.3.3.9 is amended by inserting a new Policy 6.3.3.9 immediately following 6.3.3.8, and the current Policy 6.3.3.9 and all subsequent policies are renumbered 6.3.3.10 to 6.3.3.13. The new Policy 6.3.3.9 now reads:</p> <p>“6.3.3.9 Short-term rentals in the Whaling Station Bay aquifer area, Small Lot Residential and Compact Residential Zones are permitted only as outlined in Section 6.9 of this Bylaw.”</p> <p>3. Schedule A, Section 6.5.2 Visitor Accommodations and Tourism Background: is amended by adding the following paragraph to the end of the Background section:</p> <p>“In particular, the Whaling Station Bay/Anderson Drive Area is situated on an aquifer that is classified as heavily developed and as highly vulnerable to contamination. As well, compact residential and small lot residential areas require additional consideration, given the water supply problems identified in these areas and the potential for impact from the short-term vacation rental on surrounding residential properties. A Temporary Use Permit (TUP) is required to specify the conditions for short-term vacation rentals on a case by case basis on properties within the Whaling Station Bay Aquifer boundary as shown on Schedule B, and for properties within the Small Lot Residential and Compact Residential Zones.”</p> <p>4. Policy 6.5.2.11 is replaced with the following wording:</p> <p>“6.5.2.11 The rental of an individual dwelling unit in order to provide temporary accommodation for paying guests shall be permitted in the zoning regulations as an accessory residential use. The residential vacation rental shall be subject to regulations which:</p> <ul style="list-style-type: none"> • restrict the use to no fewer than 7 consecutive days and no more than 30 consecutive days if any of those days is during the month of July or August, or otherwise for a period of no fewer than 3 consecutive days; • limit the time of year the use may be in operation to the months of May, June, July, August and September; • limit the total number of persons which may be accommodated based on the lot area on which the dwelling is located; • permit the use for properties in the Whaling Station Bay/Anderson Drive Area
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<p><i>(6) Amendment to expand list of Temporary Use Permit objectives to include residential vacation rentals.</i></p> <p><i>(8) Stipulates new conditions for a Temporary Use Permit for residential vacation rentals that exceed what would be permitted in the land use bylaw.</i></p>	<p>and in the Small Lot Residential and Compact Residential Zone only through the approval of a Temporary Use Permit pursuant to Section 6.9 of this bylaw; and</p> <ul style="list-style-type: none"> • permit the use for other areas that exceed what is permitted through these regulations only through the approval of a Temporary Use Permit pursuant to Section 6.9 of this bylaw.” <p>5. Schedule A, Policy 6.5.3.7 is deleted.</p> <p>6. Schedule A, Section 6.9 Temporary Use Permits, is amended by adding the following new objective immediately following Objective (5):</p> <p>“(6) to permit residential vacation rentals that exceed the scope of accessory residential vacation rentals permitted by the land use bylaw.”</p> <p>7. Schedule A, Section 6.9 Temporary Use Permits Policy 6.9.1 is amended by adding the text “for commercial or industrial uses” immediately following the text that reads “Upon application, Temporary Use Permits”.</p> <p>8. Schedule A, Section 6.9 Temporary Use Permits is amended by inserting a new Policy 6.9.2 immediately following 6.9.1, and the current Policy 6.9.2 and all subsequent policies are renumbered 6.9.3 to 6.9.6. The new Policy 6.9.2 now reads:</p> <p>“The approval of a Temporary Use Permit is required to permit short-term vacation rentals in the Whaling Station Bay/Anderson Road area, for properties in the Small Lot Residential and Compact Residential Zones, and for any other areas where the provisions of the short-term vacation rental exceeds the scope of an accessory residential vacation rental as permitted by the land use bylaw. An application for a Temporary Use Permit for short-term vacation rentals will require:</p> <ul style="list-style-type: none"> • the placement of a cistern on each property for rainwater catchment and the use of this catchment water for outdoor water use. This cistern must be appropriately sized to provide water for outdoor water uses for the months when the vacation rental is operating; • that property owners provide evidence from a qualified professional that the septic tank has been inspected in the last calendar year and is capable of supporting the proposed occupancy load; • adequate off-street parking spaces to limit vehicle crowding on public roadways, with at minimum two off-street parking spaces; • that the residential appearance of a property not be altered by the short-term rental unit; • evidence that property owners have installed water conserving fixtures as required by the British Columbia Building Code; • that the Local Trust Committee consider requiring screening or fencing for applications where the Temporary Use Permit is requesting to exceed the scope of an accessory residential vacation rental as permitted by the land use bylaw; and
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	<ul style="list-style-type: none">• that the Local Trust Committee consider the cumulative impacts on aquifers, particularly those classified as heavily developed and highly vulnerable to contamination, in their review of applications for Temporary Use Permits.”
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Draft BYLAW No. 138

The intent of draft Bylaw 138 is to amend the Hornby Island Land Use Bylaw to regulate accessory vacation rentals within specific zones on the island.

Staff Comments

Text of draft Bylaw 138

DRAFT

Hornby Island Local Trust Committee

BYLAW NO. 138

A BYLAW TO AMEND THE HORNBY ISLAND LAND USE BYLAW TO REGULATE ACCESSORY VACATION RENTALS

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

(1) This bylaw amends the Hornby Island Land Use Bylaw.

1. Bylaw No 86, cited as "Hornby Island Land Use Bylaw No. 86, 1993" is amended as shown on Schedule 1.
2. This bylaw may be cited as "Hornby Island Land Use Bylaw 86, 1993, Amendment No. 1, 2010"

(2) Is the bylaw citation which is the official name of the bylaw.

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APPROVED BY THE MINISTER OF COMMUNITY AND RURAL DEVELOPMENT THIS			
	DAY OF	20	xx
ADOPTED THIS	DAY OF	20	xx

SECRETARY

CHAIRPERSON

Hornby Island Local Trust Committee

Bylaw No. 138

Schedule 1

<p>1(a) establishes three new definitions which clarify the intent of accessory vacation rentals.</p> <p>1(b) establishes new regulations specific to accessory vacation rental uses where permitted.</p>	<p>1. The Hornby Island Land Use Bylaw No. 86 cited as the "Hornby Island Land Use Bylaw No. 86, 1993" is amended by:</p> <ul style="list-style-type: none"> a. Amending Section 2.0 DEFINITIONS by deleting the existing definitions for accessory use and visitor accommodation unit and adding the following definitions in alphabetical order: <ul style="list-style-type: none"> i. “accessory use means a use of land which is commonly associated with and secondary in purpose and scale to a principal use located on the same lot and includes in the R3, LR/WSPA, UP and AG zones and no other zones, accessory vacation rental use of a residential dwelling unit. ii. accessory vacation rental use means the use of a residential dwelling unit for the temporary accommodation of paying guests during the months of May, June, July, August and September only, in accordance with Section 3.23. iii. visitor accommodation unit means a room or a set of rooms used to provide, for a fee, temporary overnight accommodation to transient guests and does not include a dwelling unit used for accessory vacation rental uses.” b. Amending Section 3.0 GENERAL REGULATIONS by adding the following new subsections directly after 3.22: <p style="text-align: center;">“ACCESSORY VACATION RENTAL USES</p> <ul style="list-style-type: none"> 3.23 Accessory vacation rental uses must be in accordance with the following limitations: <ul style="list-style-type: none"> 3.23.1 No dwelling unit may be occupied by paying guests outside of the months of May, June, July, August and September. 3.23.2 No dwelling unit may be occupied by any particular paying guest, or group of paying guests occupying the dwelling unit as a single domestic unit, for a period of fewer than seven (7) consecutive days or more than thirty (30) consecutive days if any of those days is during the month of July or August, or otherwise for a period of no fewer than 3 consecutive days. 3.23.3 No dwelling used for accessory vacation rental use shall be used to accommodate more than 6 persons at any one time if the lot on which the dwelling is located has an area of less than 0.6 hectares, or 8 persons at any one time if the lot has an area of 0.6 hectares or more. 3.23.4 Short-term vacation rentals on properties located on aquifers classified as heavily developed and
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<p>1(c) adds residential vacation rental as a new permitted accessory use for four existing zones.</p>	<p>highly vulnerable (as defined by the Province of British Columbia Groundwater Section), or on properties within the Small Lot Residential and Compact Residential Zones are prohibited, and can only be permitted through an approved Temporary Use Permit.</p> <p>3.23.5 Temporary Use Permit applications can be made for short-term vacation rentals on properties identified in 3.23.4 or properties where the proposed short-term vacation rental exceeds the provisions of this Bylaw.”</p> <p>c. Amending Section 9.0 ZONE REGULATIONS by adding the following subsections:</p> <ul style="list-style-type: none"> i. “9.9.1.7 Residential vacation rentals accessory to a residential use. ii. 9.9A.1.7 Residential vacation rentals accessory to a residential use. iii. 9.10.1.7 Residential vacation rentals accessory to a residential use. iv. 9.11.1.7 Residential vacation rentals accessory to a residential use.”
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