



# STAFF REPORT

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**Date:** November 18, 2015

**File No.:** 6500-20-TUP  
Guidelines for STVR  
Review

**To:** Mayne Island Local Trust Committee  
For the meeting of November 30, 2015

**From:** Gary Richardson  
Island Planner

**CC:** Robert Kojima  
Regional Planning Manager

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**Re: Short Term Vacation Rental Review – Temporary Use Permit  
Guidelines**

## Purpose

The purpose of this project is to establish Temporary Use Permit guidelines for the evaluation of Short Term Vacation Rental (STVR) applications and to consider STVR use in cottages. This report contains a comprehensive list of guidelines for the LTC to consider incorporating into the Temporary Use Permit (TUP) section of the Mayne Island OCP and lays out options for permitting STVR use in cottages. The intent of the TUP guidelines is to provide greater certainty for applicants, surrounding property owners and future LTCs regarding the issuance of TUPs for STVRs.

## Background

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The LTC initiated a project to amend the OCP/LUB February 23, 2015. The project has been amended since its initiation and an updated project charter has been prepared for the LTC's consideration (attached). There are now two main components to the OCP/LUB project: One is to amend the Temporary Use Permit section of the OCP to contain a list of guidelines to be addressed when a TUP for an STVR is applied for and the second is to amend the OCP and LUB to allow STVR use of cottages. This report provides preliminary analysis on both portions of the project. Additional information will be addressed in a report to be prepared for the January 2016 LTC meeting.

## **Relevant Policy and Land Use Considerations**

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### Islands Trust Policy Statement

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.

5.2.5 LTCs shall, in their OCPs and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.

5.7.2 LTCs shall, in their OCPs and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.

### Official Community Plan

#### 1.2 The Broad Community Objectives

- 2) To support a rural island community by preserving for resident and visitor enjoyment, the aesthetic, historic, scenic and natural resource values from the forests, farmlands, gardens, waterways, coastline and marine environment of the Mayne Island Trust Area.
- 6) To recognize the important role that varied livelihoods and a vibrant economy play in our community's unique character through the encouragement of economic diversity and a vital local economy.

#### 4.6.1 Tourism

The objectives of this section are:

- 1) to maintain the rural ambience of the Mayne Island Trust Area,
- 2) to provide adequate infrastructure for tourist activities, and
- 3) to ensure tourism use that is environmentally, economically and civically sustainable, and within the capability of our community's volunteer base which supports or provides most local services and resources.

## Policies

- 4.6.1.1 High impact destination recreational facilities that are not part of, or sensitive to, the natural and rural values of the Mayne Island Trust Area and that are designed to attract visitors to the Area shall not be permitted.

### Land Use Bylaw

Short Term Vacation Rentals are presently not a permitted use in the Land Use Bylaw.

### Islands Trust Fund

Consistent with policy, any temporary use permit application pertaining to a property adjacent to a TFB owned property or conservation covenant would be referred to Islands Trust Fund for comment.

### Bylaw Enforcement

Once a TUP is issued, the conditions of the TUP are enforced in the same manner as zoning. It is important to note that a TUP cannot be canceled once issued; however once the permit expires the use is no longer permitted. There have been several bylaw enforcement files on Mayne Island regarding STVRs. Property owners have always had the opportunity to apply for a TUP for an STVR on Mayne Island; however, a list of guidelines will give future applicants more certainty as to what may be required to legalize an STVR perhaps encouraging more people to apply.

## **Analysis**

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STVR is a term commonly used to describe the commercial rental of dwellings to paying guests for a period of time generally less than a month. Currently, the Land Use Bylaw does not permit STVR use as a permitted use. The OCP does provide for STVRs to be permitted through the issuance of a Temporary Use Permit however, there are no specific guidelines that apply to STVRs.

### Temporary Use Permits

The LTC has provided direction to staff to prepare a list of Temporary Use Permit guidelines that would assist in assessing applications to allow vacation rentals in residences. Temporary Use Permits are a mechanism by which a local government can permit a use that is not otherwise permitted in a zone by issuing a permit for up to three years, renewable for an additional three years. Conditions of use may be included in the permit. Authorization to issue TUPs must be included in the Official Community Plan (OCP). The Mayne OCP currently permits the issuance of TUPs, and a landowner could currently apply for a temporary use permit for a short term vacation rental. However, the LTC has identified that specific guidelines relating to issuance of TUPs for vacation rentals should be drafted for inclusion in the OCP. This would provide guidance and

certainty for applicants, surrounding property owners, and guidance for planning staff and the LTC in assessing applications.

The attached set of guidelines for vacation rentals includes potential conditions that could be included in a permit where appropriate. These draft guidelines are based, in part, on guidelines in place for TUPs from the Gabriola OCP, the Galiano OCP and on conditions that have been included in a TUP issued by the Mayne LTC. The guidelines are intended to allow the LTC to address potential impacts commonly or potentially associated with the use, such as: 24 hour on island contact person; advertising; period that use is permitted; motorized personal watercraft; screening; parking; outdoor lighting; signage; number of guests; camping; outdoor fires; pets, septic capacity and water usage.

### Cottages

The LTC has identified permitting STVRs in cottages as an option for consideration. The use of cottages could take several forms:

1. To permit STVRs outright in cottages. This would legalize the use in cottages regardless of use or occupancy of the principal dwelling. This would facilitate the use of cottages but would entail few regulations around the use.
2. To permit STVRs as Home Occupations in Cottages. This would mean that the owners/operators would have to live permanently on the lot. The Home Occupation Regulations in the Land Use Bylaw (LUB) would be amended to accommodate STVR use and contain specific regulations for their use. There would not be a fee as STVRs would become a home occupation in the LUB.
3. To permit them only in specific zones or for lots of a particular size. This would limit the location of STRV with the objective of minimizing impacts from the use on smaller lots.
4. Permit STVR use of the principal dwelling if the owner or operator lives in the cottage.
5. To permit STVRs by TUP only in cottages.

The LTC should consider these options and provide direction on the preferred approach. Staff recommend that STVRs be permitted in cottages as a home occupation. This approach:

- Ensures that the owner or operator is resident on the property;
- Allows regulations to be incorporated in the home occupation provisions;
- Limits the outright use to cottages; owners wishing to use a dwelling can apply for a TUP;
- Is generally consistent with the approach adopted recently on Galiano.

## **Communications and Consultation**

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Extraordinary consultation is not anticipated. Development of a fact sheet, webpage postings, and a community information meeting are proposed early in the process.

An amended project charter has been prepared and is attached. It summarizes the key elements of the project outlined in this report in a single document. If circumstances change or issues arise in the course of the project, the LTC may be asked to revisit sections of the charter.

Once draft bylaws are prepared and ready for consideration of First Reading staff will initiate bylaw referrals to agencies. Staff will also initiate engagement with any First Nations with an interest in the area for OCP amendments. The following First Nations have been identified as having an interest in the Mayne Island Local Trust Area:

- Cowichan Tribes
- Halalt First Nation
- Lake Cowichan First Nation
- Lyackson First Nation
- Pauquachin First Nation
- Penelakut Tribe
- Semiahmoo First Nation
- Stz'uminus First Nation
- Tsartlip First Nation
- Tsawout
- Tsawwassen First Nation
- Tseycum First Nation

The LTC may wish to consider referral to the Advisory Planning Commission once draft bylaws are prepared.

The LTC is required by the *Local Government Act* to consider opportunities for consultation with persons, organizations and authorities it considers will be affected by an OCP bylaw. The LTC should consider if it wishes to undertake additional consultation than that identified above and direct staff accordingly.

## **Resources and Roles**

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Staff have identified a revised timeline in the attached Project Charter. This timeline aims to have the project substantially underway before the end of the fiscal year, with the public hearing in the spring. If this timeline can be met, the amendments can be considered approved in principle prior to the summer. Implementation is a key element of the project and should involve development of materials and contact with operators to encourage compliance.

Budget resources are available in the current fiscal. Additional funds may need to be re-directed from other projects for any costs occurring in the 2016/17 fiscal year.

### Next Steps

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The LTC is requested to:

1. Review the attached draft TUP wording and provide direction on any changes.
2. Provide direction on the preferred option for permitting STVRs in cottages.
3. Review and endorse the attached project charter, with or without changes.
4. If the LTC directs staff to proceed with bylaw amendments staff will prepare draft bylaws for the LTC to consider at the January 2016 LTC meeting.

### RECOMMENDATIONS:

1. THAT the Mayne Island Local Trust Committee requests staff to prepare a draft OCP amendment bylaw that would insert TUP guidelines into the Mayne Island Official Community Plan Bylaw No. 144, 2007, as outlined in the staff report of November 18, 2015.
2. That the Mayne Island Local Trust Committee requests staff to prepare draft amendment bylaws that would permit STVR use of a cottage as a home occupation.
3. THAT the Mayne Island Local Trust Committee endorses the project charter attached to the staff report of November 12, 2015.

Prepared and Submitted by:

Gary Richardson

November 18, 2015

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Name, Title

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Date

Concurred in by:



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Robert Kojima  
Regional Planning Manager

November 19, 2015

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Date

Attachments:      Draft TUP guidelines  
                         Draft Project Charter

## **Attachment 1: Proposed Temporary Use Permit Guidelines**

1. The LTC may require mitigating measures to provide a separation between STVRs and surrounding properties such as screening and fencing.
2. The LTC should consider the cumulative effects on the neighbourhood and Island of all the permits issued for STVRs.
3. The LTC may consider issuance of a temporary use permit for a commercial vacation rental provided the proposal would not alter the residential appearance of the residence.
4. A contact person on Mayne Island associated with the property should be available by telephone 24 hours/day, seven days per week.
5. The property owner/applicant should provide neighbors within a 100 metre radius of the vacation rental with the contact person's phone number, and a copy of the temporary use permit.
6. The property owner/applicant should provide evidence that there is an adequate supply of potable water.
7. The property owner/applicant should provide evidence that there is adequate septic capacity for the proposed occupancy.
8. The property owner/applicant should post information for guests regarding noise bylaws, water conservation, fire safety, fire escape plan, storage of garbage, septic field location, and control of pets. The guest information should also remind guests that they are in a residential area, not a commercial area.
9. As a condition of the permit pets should be under control at all times.
10. The property owner/applicant should be required to provide sufficient off street parking.
11. The property owner /applicant should be required to ensure outdoor lighting is not directed onto surrounding properties.
12. A condition of the permit should restrict the maximum number and size of signs an STVR can have. That the signs be made of wood and not illuminated.
13. As a condition of the permit the maximum number of guests may be limited;
14. As a condition of the permit the number of bedrooms may be limited;

15. As a condition of the permit the specific months in a year that STVR use can be carried out may be specified.
16. As a condition of the permit recreational vehicles and camping should be prohibited.
17. As a condition of the permit outdoor fires should be prohibited.
18. As a condition of use advertising that can be utilized may be specified.
19. A condition of the permit should prohibit the rental or provision of motorized personal watercraft for rental clients.
20. A condition of the permit may require the property owner/applicant to post contact information and permit information at the entrance to the property.
21. As a condition of the permit the Islands Trust bylaw enforcement officer should be permitted to enter the property between the hours of 9 am and 5 pm on any day without prior consultation with the holder of the permit or STVR renter for the purpose of investigating a complaint.