



Memorandum

Date August 30, 2016

File Number 6500-20- OCP/LUB
amendments

To Mayne Island Local Trust Committee
From Gary Richardson, Island Planner

Re Proposed Bylaw 167 (OCP) - Temporary Use Permit (TUP) Guidelines for Short Term Vacation Rentals (STVRs)

The Local Trust Committee has been considering, as one of its LTC projects, a bylaw (proposed bylaw 167) to add TUP guidelines to the Mayne OCP regarding the issuance of TUPs for STVRs. A public hearing was held for proposed Bylaw 167 on June 27, 2016. A public hearing is a quasi-judicial process where specific procedures must be followed.

Following the hearing, the LTC could have chosen to give further readings to the bylaw, defeat the bylaw, or alter the bylaw within certain parameters.

The LTC decided not to give further readings to the bylaw. The LTC suggested that further consideration is needed before proceeding with proposed bylaw 167. Staff was asked to provide options.

Amending the proposed bylaw substantially is limited following the close of the hearing and 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.

Options:

1. Proceed no further with the bylaw – the file will be closed and no further work will be done on this bylaw.
2. Proceed with more community consultation and possible amendments to bylaw. Staff will prepare an amended project charter for the October 17, 2016 LTC meeting to outline a process and required budget. This option will require that another public hearing be held.
3. Request that staff provide comment on questions or concerns brought up at the hearing. This would not require another public hearing; however the comments the LTC requests from staff must be based on questions or concerns brought up at the hearing. A local government body can legitimately decide that after a hearing it wishes to hear further from staff on issues raised at the hearing.

4. Proceed with readings.

- a) Consideration of Second Reading (this may include amendments to alter a bylaw).
- b) Consideration of Third Reading.
- c) Forwarding of the bylaw to Executive Committee for approval.
- d) Forwarding of the bylaw to the Minister's office for approval.
- e) Reconsideration and adoption.

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.