



File No.: GL-6500-20 Affordable  
Housing - STVR Review

DATE OF MEETING: April 6, 2020  
TO: Galiano Island Local Trust Committee  
FROM: Brad Smith, Island Planner  
Southern Team  
COPY: Robert Kojima, Regional Planning Manager  
SUBJECT: STVR Review – Removal of STVRs as an allowable land use under TUP regulations

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## RECOMMENDATION

1. That the Galiano Island Local Trust Committee direct staff to schedule a Community Information Meeting for draft Bylaw No 275 prior to the LTC giving the draft bylaw 1<sup>st</sup> reading.
2. That Galiano Island Local Trust Committee direct staff to update the STVR Review project charter with revised timelines.

## REPORT SUMMARY

The purpose of this staff report is to introduce Galiano Island Official Community Plan (OCP) Bylaw No. 108, 1995, Amendment No. 1, 2020 to the LTC for consideration and to seek direction on next steps.

The recommendations above are supported as:

- Extensive research and community outreach has taken place to help inform the LTC on this topic;
- Community and stakeholder engagement to date has demonstrated that there is a significant division of opinion on the use of TUPs for legalizing STVRs;
- The project charter indicates that more than one community meeting will be held for this project;
- The project charter timelines are out of date and need to be updated; and,
- Proceeding with a Community Information Meeting (CIM) will help to further clarify community opinion, benefits and concerns with the proposed bylaw amendments prior to consideration of 1<sup>st</sup> reading.

## BACKGROUND

At the June 3<sup>rd</sup>, 2019 regular meeting staff presented the amended project charter for LTC endorsement. The Galiano Island LTC passed the following resolution:

### **GL-2019-051**

**It was Moved and Seconded,**

that the Galiano Local Trust Committee:

- a) endorse the attached Galiano Island Short Term Vacation Rental (STVR) Review Project Charter as amended and associated scope of work, timelines and budget;

b) Direct staff to begin working on Galiano Island STVR Review Project deliverables.

**Carried**

The endorsed project charter includes the following key tasks:

1. Complete review of STVRs currently operating on Galiano Island and research of STVR regulations/policies in other jurisdictions
2. Develop discussion paper summarizing findings of review
3. Complete public/stakeholder outreach (including public meetings)
4. Finalize recommendations and confirm scope of proposed bylaw amendments with LTC
5. Complete bylaw amendment process (if changes are sought by LTC)

The first three tasks have been completed. Staff sought direction from the LTC at the March 2, 2020 LTC meeting with respect to task 4. At that meeting, the LTC passed the following resolution:

**GL-2020-021**

**It was Moved and Seconded,**

that the Galiano Local Trust Committee provide direction to staff to develop draft bylaw amendments that would remove STVRs as an allowable use under TUPs in the land use bylaws.

**CARRIED**

This staff report provides the requested draft bylaw amendment for consideration by LTC and includes suggested next steps. Attachment 1 includes the draft bylaw. Attachment 2 includes the Islands Trust Policy Statement Directive Policies Checklist.

Staff reports were provided to the LTC at the [February 3, 2020](#) and [March 2, 2020](#) LTC meetings that summarized the results of the November 23, 2019 STVR open house and online survey, including opinions regarding the use of TUPs.

The research phase was completed in the summer of 2019 with results presented to the LTC at the September 9, 2019 LTC meeting. A [discussion paper](#) was published summarizing findings of the review along with a preliminary list of options for potential changes to STVR regulations on Galiano Island.

Additional project information, including previous staff reports, are located here:

<http://www.islandstrust.bc.ca/islands/local-trust-areas/galiano/projects-initiatives/2019-stvr-review/>

## **ANALYSIS**

### **Regulatory**

#### ***Islands trust Policy Statement***

The draft bylaw amendment is consistent with the policy directives of the Policy Statement. The Policy Statement Directives Checklist is included as Attachment 1 and will need to be endorsed by the LTC if the LTC gives 1st reading of the draft bylaw.

## ***Official Community Plan***

Section VII of the OCP specifies conditions for the issuance of TUPs. Currently, the provisions allow TUPs to be granted for STVRs (Note: STVRs are termed *commercial vacation rentals* in the OCP).

Section VII also includes guidelines that apply when the LTC is considering the issuance of a TUP for a commercial vacation rental, or STVR.

The proposed bylaw amendments would restrict the issuing of TUPs for STVRs by inserting a clause in Section VII, Subsection 1 (Circumstances) of the OCP that reads:

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

The related STVR guidelines, found in Section VII, Subsection 2 (Objectives) of the OCP, would be amended by deleting the relevant guidelines in their entirety.

The proposed draft bylaw amendments are included as Attachment 1.

## ***Land Use Bylaw***

The Galiano Island Land Use Bylaw No. 127,1999 (LUB) has no specific language or requirements regulating STVRs via a TUP. However, the LUB does include home occupation regulations that govern STVRs as a home occupation, where there is a permanent resident living on the property. In the future, the LTC could turn their mind to revisions to the home occupation guidelines in consideration of long-term rental housing affordability and availability. For example, the currently allowable use of secondary suites for STVRs could be removed.

## ***Bylaw Enforcement***

The proposed bylaw amendments could have significant implications for bylaw enforcement.

The issuance of TUPs by the LTC has provided a mechanism for STVR operators not falling within home occupation regulations to legalize their operations. Many of the TUPs currently issued to STVR operators were motivated at least in part due to pending bylaw enforcement action. The removal of TUPs eliminates this legal mechanism and as such, STVR operators may turn once again to operating illegally.

Alternatively, removing TUPs simplifies the regulatory framework and may make it easier to identify those operating legally versus illegally. It would also reduce the staff time spent processing TUP applications and eliminate the need for the LTC to make a discretionary decision each time a TUP application for an STVR is considered.

LTC may wish to direct bylaw enforcement staff to provide a report that summarizes the key considerations and and potential impacts of eliminating TUPs for STVRs.

## ***Consultation***

### ***Statutory Requirements***

In accordance with regular statutory requirements, a public hearing is required for any bylaw amendment and it is normal practice to hold a Community Information Meeting (CIM) prior to that. In this circumstance, given

there is significant information to be exchanged, and community opinion on the use of TUPs for STVRs is strongly divided, staff are recommending that a CIM be held prior to LTC considering 1<sup>st</sup> reading of the draft bylaw.

If the proposed changes advance to public hearing following the CIM, the public hearing notice would be posted as per statutory and bylaw requirements in advance of the public hearing.

### ***Impacts of Covid-19 on the Timing of a CIM and 1<sup>st</sup> Reading***

The Covid-19 public health emergency has impacted the ability of the LTC to host a CIM in spring 2020 which was the original timeline proposed by staff. Given this disruption in timing, the LTC could choose to pass 1<sup>st</sup> reading of the bylaw prior to the CIM via a resolution without meeting (RWM). However, given the wide range of community opinion that exists with respect to the ongoing use of TUPs for STVRs, and the limited value of going to 1<sup>st</sup> reading prior to hosting a CIM, staff recommend that the LTC hold off on 1<sup>st</sup> reading until a CIM is completed.

If the LTC endorses the staff recommendation to schedule a CIM, staff will make the arrangements for this meeting once it is deemed safe to do so by public health officials. This would likely push the CIM into fall 2020 or beyond depending on how quickly the Covid-19 health crisis is resolved.

### ***First Nations***

The proposed bylaw amendments do not raise concerns related to First Nations interests and title or with respect to LTC Standing Resolutions on reconciliation.

### **Rationale for Recommendation**

Based on the foregoing, the recommendation on page 1 is supported as:

- Extensive research and community outreach has taken place to help inform the LTC on this topic;
- Community and stakeholder engagement to date has demonstrated that there is a significant division of opinion on the use of TUPs for legalizing STVRs;
- The project charter indicates that more than one community meeting will be held for this project;
- The project charter timelines are out of date and need to be updated; and,
- Proceeding with a CIM will help to further clarify community opinion, benefits and concerns with the proposed bylaw amendments prior to consideration of 1<sup>st</sup> reading.

### **ALTERNATIVES**

#### **1. Give 1<sup>st</sup> Reading to Bylaw prior to holding a CIM**

The LTC may give the draft bylaw 1<sup>st</sup> reading prior to holding a CIM.

Resolution:

*That the Galiano Island Local Trust Committee Bylaw No. 275, cited as "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2020", be read a first time.*

#### **2. Request further information**

The LTC may request further information prior to a CIM. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

Resolution:

*That the Galiano Island Local Trust Committee request that staff provide the following additional information:\_\_\_\_\_.*

**3. Refer Application to Advisory Planning Commission**

The LTC may opt to refer the application to the Advisory Planning Commission prior to a CIM.

Resolution:

*That the Galiano Island Local Trust Committee request staff to refer draft Bylaw No. 275 to the Galiano Island Advisory Planning Commission for comment.*

**4. Receive for information**

The LTC may receive the report for information.

**NEXT STEPS**

Based on direction from the LTC, Staff will:

- Schedule a CIM when appropriate to do so
- Update the Project Charter

Submitted By:	Brad Smith, Island Planner	March 30, 2020
Concurrence:	Robert Kojima, Regional Planning Manager	March 30, 2020

**ATTACHMENTS**

1. Draft Bylaw No. 275
2. Islands Trust Policy Statement Directive Policies Checklist

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

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

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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	_____	DAY OF	_____	20__
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20__
READ A SECOND TIME 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.

DRAFT



Islands Trust

## POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

**Bylaw and File No: BL 275 & GL-6500-20 Affordable Housing - STVR Review  
LTC Endorsement:**

### **PURPOSE**

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committee address certain matters in their official community plans and regulatory bylaws and Island Municipalities address certain matters in their official community plans and to reference any relevant sections of the Policy Statement.

### **POLICY STATEMENT**

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

### **DIRECTIVES ONLY CHECK LIST**

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is **consistent** with the policy from the Policy Statement, or
- ✘ if the bylaw is **inconsistent (contrary or at variance)** with a policy from the Policy Statement, or
- N/A** if the policy is not applicable.



### Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
	<b>3.1</b>	<b>Ecosystems</b>
N/A	<b>3.1.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	<b>3.1.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
N/A	<b>3.1.5</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	<b>3.2</b>	<b>Forest Ecosystems</b>
N/A	<b>3.2.2</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	<b>3.3</b>	<b>Freshwater and Wetland Ecosystems and Riparian Zones</b>
N/A	<b>3.3.2</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	<b>3.4</b>	<b>Coastal and Marine Ecosystems</b>
N/A	<b>3.4.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	<b>3.4.5</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

### PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
	<b>4.1</b>	<b>Agricultural Land</b>
N/A	<b>4.1.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	<b>4.1.5</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	<b>4.1.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.

CONSISTENT	NO.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	<b>Forests</b>
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	<b>Wildlife and Vegetation</b>
	4.4	<b>Freshwater Resources</b>
✓	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.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	<b>Coastal Areas and Marine Shorelands</b>
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	<b>Soils and Other Resources</b>
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the

		protection of productive soils.
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### **PART V: Policies for Sustainable Communities**

<b>CONSISTENT</b>	<b>NO.</b>	<b>DIRECTIVE POLICY</b>
	<b>5.1</b>	<b>Aesthetic Qualities</b>
N/A	<b>5.1.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	<b>5.2</b>	<b>Growth and Development</b>
✓	<b>5.2.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
✓	<b>5.2.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	<b>5.2.5</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	<b>5.2.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	<b>5.3</b>	<b>Transportation and Utilities</b>
N/A	<b>5.3.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	<b>5.3.5</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	<b>5.3.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	<b>5.3.7</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	<b>5.4</b>	<b>Disposal of Waste</b>
N/A	<b>5.4.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

<b>CONSISTENT</b>	<b>NO.</b>	<b>DIRECTIVE POLICY</b>
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	<b>5.5</b>	<b>Recreation</b>
N/A	<b>5.5.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	<b>5.5.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	<b>5.5.5</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	<b>5.5.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	<b>5.5.7</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	<b>5.6</b>	<b>Cultural and Natural Heritage</b>
N/A	<b>5.6.2</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	<b>5.6.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	<b>5.7</b>	<b>Economic Opportunities</b>
✓	<b>5.7.2</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	<b>5.8</b>	<b>Health and Well-being</b>
N/A	<b>5.8.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

<b>POLICY STATEMENT COMPLIANCE</b>	
✓	<b>COMPLIANCE WITH TRUST POLICY</b>
	<b>NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:</b>