



**VILLAGE OF BELCARRA
PUBLIC HEARING AGENDA**
Via Zoom
Monday, April 26, 2021
5:00 PM



This meeting is being held via Zoom Teleconference and will be recorded.

Meeting details as follows:

Click link to join meeting: <https://zoom.us/j/97581653880> Meeting ID: 975 8165 3880

COUNCIL

Mayor Jamie Ross

Councillor Carolina Clark

Councillor Bruce Drake

Councillor John Snell

Councillor Liisa Wilder

1. CALL TO ORDER

Mayor Ross will call the hearing to order.

Mayor Ross will read aloud the procedure for the Public Hearing as follows:

“This Public Hearing is being held pursuant to Section 464 of the *Local Government Act* to consider and receive submissions regarding the proposed:

**Village of Belcarra Zoning Bylaw No. 510, 2018, Amendment Bylaw
No. 580, 2021**

All persons present who believe that their interest in property is affected by the proposed bylaw will be given a reasonable opportunity to be heard, make representation, or to present a written submission respecting matters contained in the proposed bylaw. People who pre-registered and are on the Speakers List will speak first. Put your hand up on the Zoom Webinar to join the Speakers List during the Public Hearing. When called on, please state your full name and address for the record.

Members of Council may, if they wish, ask questions of you following your presentation. The function of Council members during the Public Hearing is to listen to the views of the public. It is not the function of Council at this time to debate the merits of the proposed bylaw.

After the Public Hearing has concluded, Council may, without further notice, give whatever effect Council believes proper to the representations made.

Your only opportunity to comment on the proposed bylaw will be during the Public Hearing as members of Council are not permitted to receive further submissions after the Hearing is closed.

Everyone will be given a reasonable opportunity to be heard at this Hearing. No one will be discouraged or prevented from making their views heard.

Written submissions received during the Meeting will be available on the website, the day following the meeting, so that everyone may examine these documents.

To maintain order and to ensure everyone has a reasonable opportunity to be heard, the following rules of procedure have been established:

- a. A Speakers' List has been established. If you wish to address the Public Hearing, please ensure that you place your name on the Speakers List. You may add your name to the list at any time by using the "raise hand" function on the Zoom webinar. If you are speaking from prepared remarks, please send a copy by email to the Chief Administrative Officer, ldysart@belcarra.ca
- b. Please commence your remarks by stating your name and address. If you are speaking on behalf of some other person or organization, please also identify the name of that person or organization you are representing.
- c. Each speaker is requested to limit their remarks to no more than 5 minutes, (you will be timed), subject to putting up your hand to add your name to the Speakers List again.
- d. Your comments must be specifically related to the subject of the Bylaw and be directed to the Mayor and you must not obstruct the Public Hearing. It is requested that all speakers be civil, respectful of others and ensure your comments address the specific issue being considered.
- e. After everyone on the Speakers List has spoken once, speakers will be allowed one supplementary presentation if they have added their name to the list again. You may not present a submission you have already made.

Please observe these rules and if you have any concerns with the manner in which the Public Hearing is conducted, please direct your comments to Mayor Ross".

2. PUBLIC HEARING

Village of Belcarra Official Zoning Bylaw No. 510, 2018, Amendment Bylaw No. 580, 2021

- i. Public Hearing Notice – appeared on April 15 and April 22, 2021 in the Tri-City News newspaper
- ii. Report March 22, 2021 to Council from the Chief Administrative Officer establishing the date for a Public Hearing regarding Village of Belcarra Zoning Bylaw No. 510, 2018, Amendment Bylaw No. 580, 2021
- iii. Village of Belcarra Zoning Bylaw No. 510, 2018, Amendment Bylaw No. 580, 2021

Mayor Ross will call for Public Input three separate times.

Following public input:

Recommendation:

That all written and verbal submissions regarding Village of Belcarra Zoning Bylaw No. 510, 2018, Amendment Bylaw No. 580, 2021 up to and including April 26, 2021, be received.

3. ADJOURNMENT OR CLOSURE

Recommendation:

That the Public Hearing regarding Village of Belcarra Official Zoning Bylaw No. 510, 2018, Amendment Bylaw No. 580, 2021 be closed.

- Or if a second Public Hearing is required.

Recommendation:

That the Public Hearing regarding Village of Belcarra Official Zoning Bylaw No. 510, 2018, Amendment Bylaw No. 580, 2021 be adjourned to (specified date, time and location)

- **Members of Council are not permitted to receive further submissions once the Public Hearing is closed.**



**VILLAGE OF BELCARRA
NOTICE OF PUBLIC HEARING
Via Zoom
Monday, April 26, 2021
5:00 pm**



i)

**NOTICE OF PUBLIC HEARING
Proposed:
Zoning Bylaw No. 510, 2018, Amendment Bylaw No. 580, 2021**

NOTICE is hereby given that the Council of the Village of Belcarra will hold a Public Hearing via Zoom Webinar on Monday, April 26, 2021 at 5:00 pm in accordance with the *Local Government Act*.

As a result of the Public Health Emergency and resulting restrictions on public gatherings, public attendance at the Village Hall for Public Hearings and Council meetings is not permitted at this time. However, persons who deem that their interest in the property is affected by the proposed changes to the Zoning Bylaw shall be afforded an opportunity to be heard.

| | |
|----------|--|
| Bylaw: | Zoning Bylaw No. 510, 2018, Amendment Bylaw No. 580, 2021 |
| Purpose: | To amend the Zoning Bylaw to introduce definitions related to Short Term Rental Accommodations (STRA) and Bed & Breakfast (B&B) and to update regulations related to Home-Based Business Uses to accommodate STRA and B&B. |

A copy of the proposed Bylaws and the associated reports may be inspected online at www.belcarra.ca after Thursday, April 22, 2021. Further details may be obtained from the Village of Belcarra by contacting 604-937-4100 or ldysart@belcarra.ca.

Should you have any comments or concerns you wish to convey to Council and you cannot attend the Zoom Public Hearing, please submit them in writing to Lorna Dysart, Chief Administrative Officer, Village of Belcarra, **no later than noon, Monday, April 26, 2021.**

You may participate live through the Zoom Webinar; see details and instructions on the Village website at www.belcarra.ca. Be prepared to provide your full name and address. You will be permitted to present once and will be given up to 5 minutes to give your presentation.

You may forward your submissions by:

- Mailing or delivering to: Village Hall, 4084 Bedwell Bay Road, Belcarra BC, V3H 4P8
- Faxing to 604-939-5034
- Emailing the Village at ldysart@belcarra.ca with "Bylaw No. 510, 2018, Amendment Bylaw No. 580, 2021" typed in the subject line.

Please Note: Correspondence that is the subject of a Public Hearing, Public Meeting or other public procedures will be included, in its entirety, in the public information package and will form part of the public record. Council shall not receive further submissions from the public or interested persons concerning the amendment after the Public Hearing has concluded.

Lorna Dysart, Chief Administrative Officer

Date: April 14, 2021



COUNCIL REPORT

File: 6700-03

Date: March 22, 2021

From: Lorna Dysart, Chief Administrative Officer
& Dan Watson, Pooni Group, Planning Consultants

Subject: Short Term Rental Accommodation (STRA) and Bed & Breakfast (B&B) Bylaws

Recommendations

- a) That the Village of Belcarra Corporate Policy No. 210 be amended as outlined in this report.
- b) That the following bylaw be given First and Second Reading, and be referred to Public Hearing:
 - Village of Belcarra Zoning Bylaw No. 510, 2018 Amendment Bylaw No. 580, 2021; and
- c) That the following bylaws be given First and Second Readings:
 - Village of Belcarra Fees and Charges Bylaw No. 517, 2018 Amendment Bylaw No. 581, 2021;
 - Village of Belcarra Business License Bylaw No. 227, 1995, Amendment Bylaw No. 582, 2021.
- d) That Staff be directed to report back on the implementation of Village of Belcarra Corporate Policy No. 210 one year after the adoption of Village of Belcarra Zoning Bylaw No. 510, 2018 Amendment Bylaw No. 580, 2021, if adopted.

Purpose

The purpose of this report is to:

- Revisit the existing Short Term Rental and Bed & Breakfast Accommodation Policy (STRA / B&B Policy), as approved at a regular meeting of Council on January 27, 2020 (Village of Belcarra Corporate Policy No. 210), allow the community an opportunity to comment, and allow Council to make any desired amendments.
- Bring the three draft Bylaws listed above back to Council for consideration, following deferral at the March 8, 2021 meeting of Council to allow time to revisit the STRA/B&B Policy. The draft Bylaws are intended to support the implementation of the STRA/B&B Policy.
- To introduce fees for advertising on the Village webpage.

Background

March 8, 2021 Council Meeting

Council adopted the Short Term Rental Accommodation (STRA) and Bed & Breakfast (B&B) Accommodation Policy at a regular meeting of Council on January 27, 2020, and directed staff to prepare amendments to Zoning Bylaw, Fees and Charges Bylaw, and Business License Bylaw to allow for the implementation of the STRA and B&B Policy. These items were subsequently deferred on March 9, 2020 until a motion was made to re-visit these items on February 22, 2021.

At the March 8, 2021 regular meeting of Council, these proposed Bylaw amendments were brought before Council for first and second reading. The item was deferred to the March 22, 2021 meeting of Council following considerable discussion related to the STRA / B&B Policy.

STRA Policy & Bylaws - Community Feedback & Discussion

Correspondence and discussion at the March 8, 2021 meeting addressed a number of elements of the STRA Policy, as well as proposed changes to the Business License Bylaw and the Fees & Charges Bylaw. These questions / comments are summarized below with recommendations to Council.

1. STRA/B&B Policy 2.5: Proof of Insurance

| Discussion / Suggestions from Community | Planning Response |
|---|--|
| <p>Suggestion to delete requirement for proof of \$2,000,000 insurance.</p> | <p>The existing Business Licence Bylaw states: “Where applicable the Licence Inspector may request a certified copy of (a) liability insurance coverage in the amount of two million dollars [...]”</p> <p>At the January 27, 2020 regular meeting of Council, Council provided direction to set the minimum insurance requirement for STRA/B&B at two million dollars.</p> <p>The STRA Policy requires owners to provide the Village with proof of insurance for two million dollars, and requires a specific rider acknowledging the use of the property as STRA and / or B&B, and showing the Village as an Additional Named Insured. This requirement is intended to protect the Village in case of damage to Village property.</p> |

Recommendation: Retain STRA / B&B Policy 2.5 requirement for \$2,000,000 insurance, naming the Village as additional insured.

Alternative: That Policy 2.5 be removed from the STRA / B&B Bylaw. Note: this option could potentially expose the Village to significant risk in the event of damage or costs incurred by the Village.

2. STRA / B&B Policy 5.1: Length of Stay

| Discussion / Suggestions from Community | Planning Response |
|--|---|
| Suggestion to amend maximum “days” to maximum “nights” | <p>At the January 27, 2020 regular meeting of Council, Council provided direction to Staff to set a minimum requirement of a two night stay.</p> <p>The proposed change would clarify that the maximum duration permitted would be 30 nights, and would be consistent with Policy 5.2 which states that the minimum length of stay is 2 nights.</p> |

Recommendation: Amend STRA/B&B Policy 5.1 as follows: “Short Term Rental and / or Bed & Breakfast Accommodations are permitted for a maximum stay of 30 ~~days~~ nights per stay.”

Alternative: Retain STRA / B&B Policy 5.1 maximum stay of “30 days.”

3. STRA/B&B Section 6: Parking and Bylaw Compliance and Section 8: Noise and Nuisance

| Discussion / Suggestions from Community | Planning Response |
|--|---|
| Suggestion to remove policies related to Parking and Bylaw Compliance, Noise, and Nuisance | <p>The Village’s Bylaws (e.g. Zoning, Business Licence, Noise) would generally apply to STRA / B&B regardless of their inclusion in this policy.</p> <p>The inclusion of policies related to Parking and Noise is intended for ease of reference, to reaffirm that any omissions from the STRA / B&B Policy should not be interpreted as permission to violate any other Bylaws applicable in the Village, and to provide clarity that any violations or potential violations of these Bylaws will be considered in reviewing Business Licence applications for STRA / B&B.</p> <p>The policy also provides clarification on interpretation of the relevant Bylaws. For example, that the operator (as opposed to the guest) will be held liable for any violation of the Belcarra Noise Bylaw.</p> |

Recommendation: Retain STRA / B&B Policy Section 6: Parking and Bylaw Compliance and Section 8: Noise and Nuisance.

Alternative #1: Remove policies that reference complying with other provisions of Belcarra Bylaws, (i.e. Policies 6.1, 6.3, 8.2).

Alternative #2: Remove all regulations related to Parking and Bylaw Compliance (Section 6) and Noise and Nuisance (Section 8).

4. STRA/B&B Section 9: Enforcement

| Discussion / Suggestions from Community | Planning Response |
|--|---|
| <p>Suggestion to remove “Enforcement” section from Policy.</p> | <p>The Enforcement section of the Policy outlines those Bylaws (namely Zoning, Noise, and Business Licensing) that may be used to address Bylaw infractions related to STRA / B&B. This is provided for ease of reference for the Village, STRA / B&B operators, neighbours, and guests.</p> <p>Section 14.2 (Offenses) of the Business License Bylaw states that a person who violates a provision of the Business License Bylaw may be subject to a fine “not exceeding \$10,000 and not less than \$2,500.”</p> <p>At the January 27, 2020 regular meeting of Council, Council provided direction to Staff to add penalties for operating a STRA / B&B without a Business License, at \$1000 per day, per offence, at the discretion of the CAO</p> <p>The proposed amendment the Business License Bylaw would introduce this lower fine of \$1,000 per day, per offence, specifically for operating a STRA / B&B without a valid license.</p> |

Recommendation: Retain STRA / B&B Policy Section 9: Enforcement.

Alternative #1: Remove STRA / B&B Policy Section 9: Enforcement.

Alternative #2: Delete 2(a) from draft Fees and Charges Bylaw No. 517, 2018 Amending Bylaw No. 581, 2021.

5. Proposed amendments to Fees & Charges Bylaw

| Discussion / Suggestions from Community | Planning Response |
|--|---|
| Suggestion to delete First Year inspection fee (\$250) and Security Deposit (\$1000) | <p>At the January 27, 2020 regular meeting of Council, Council provided direction to Staff to:</p> <ul style="list-style-type: none"> • Require a \$1000 refundable security deposit • Set the inspection fee at \$250 per year, second year inspection at the discretion of the CAO <p>These fees are intended to address staff time required to respond to complaints and inspect properties for suitability for STRA/B&B use, and to provide the Village with security in the event that a disturbance causes the Village to incur costs (e.g. damage to Village property or staff time responding to complaints).</p> |

Recommendation (as above): That the Village of Belcarra Fees and Charges Bylaw No. 517, 2018 Amendment Bylaw No. 581, 2021 be given First and Second Readings.

Alternative: That the draft Village of Belcarra Fees and Charges Bylaw No. 517, 2018 Amendment Bylaw No. 581, 2021 be amended as follows:

Delete:

| | |
|--|--|
| First year STRA / B&B Inspection Fee | \$250.00 Second year and subsequent inspection fees at the discretion of the Village of Belcarra CAO. |
| STRA / B&B Security Deposit (refundable) | \$1,000.00 |

6. Community comments on the merits of STRA/B&B and implications for the rental market

| Discussion / Suggestions from Community | Planning Response |
|--|--|
| <p>Suggestion to follow Vancouver’s practice and require that STRA be accommodated solely in the Principal Residence to support the secondary rental market.</p> | <p>While Belcarra’s proposed regulations are not as strict as Vancouver’s regulations, there are restrictions in place that would limit a property from being “fully” converted to STRA. For example, the property must be the primary residence of the owner / operator of the STRA. In the case of Vancouver, the dwelling unit itself must be the owner/operator’s primary residence.</p> <p>In order to measure and respond to the impacts of the STRA / B&B Policy, it is recommended that Council direct staff to report back on implementation in 1 year, including reporting on the number of licenses that have been issued for STRA / B&B.</p> |

Recommendation (as above): That Staff be directed to report back on the implementation of Village of Belcarra Corporate Policy No. 210 one year after the adoption of Village of Belcarra Zoning Bylaw No. 510, 2018 Amendment Bylaw No. 580, 2021, if adopted.

Alternative: That Staff be directed to draft amendments to the STRA / B&B Policy to limit STRA only to the principal residence of the owner / operator (i.e. restricting STRA in secondary suites or units on the property in which the owner does not reside).

7. Ownership Occupancy

| Discussion / Suggestions from Community | Planning Response |
|--|---|
| <p>Question regarding whether the operator of the STRA must be an owner of the property, or whether a renter could operate a STRA.</p> | <p>Policy 4.1 states that the property used for STRA/B&B must be the principal residence of the business operator. Technically this would not preclude a renter, with permission from the owner, from operating a STRA/B&B. If Council wishes to prevent renters from operating STRA/B&B, the policy may be amended to make this requirement more explicit.</p> |

Recommendation: Amend STRA/B&B Policy 4.1 as follows (new text is underlined): “The property used for Short Term Rental ~~and~~ or Bed & Breakfast Accommodation must be the principal residence of the business operator. The business operator must also be the/an owner of the property.”

Alternative: Retain STRA/B&B Policy 4.1 as written. This would mean that, with permission from the owner, a renter could potentially operate a STRA/B&B on the property if it is their primary residence.

8. Community comments on the cost-benefit analysis of implementing a STRA / B&B Policy

A significant increase in the number of STRA / B&B businesses is not anticipated in the Village as a result of the STRA / B&B Policy and related Bylaws. In the absence of policy, Staff time was dedicated to responding to complaints / inquiries about STRA. The introduction of the policy (and its implementation through the relevant Bylaws) should provide clarity for staff and the public and streamline the process of responding to inquiries. Further, the proposed amendments to the Fees & Charges Bylaw will allow the Village to recoup costs associated with Staff time where currently there is no mechanism to do.

Advertising Rates

In addition to changes related to STRA and B&B, updates to the Fees and Charges Bylaw related to advertising rates in the Village are also included in the proposed updates in this report.

ATTACHMENT

- Proposed Village of Belcarra Zoning Bylaw No. 510, 2018, Amendment Bylaw No. 580, 2021



**VILLAGE OF BELCARRA
Zoning Bylaw No. 510, 2018,
Amendment Bylaw No. 580, 2021**



An amendment bylaw to update and introduce definitions related to Short Term Rental Accommodation (STRA) and Bed & Breakfast (B&B) in the Zoning Bylaw.

WHEREAS the *Community Charter* enables a local government to amend its bylaws from time to time;

NOW THEREFORE the Village of Belcarra Council enacts as follows:

1. That this bylaw be cited for all purposes as the "Village of Belcarra Zoning Bylaw No. 510, 2018, Amendment Bylaw No. 580, 2021".
2. That the "Village of Belcarra Zoning Bylaw No. 510, 2018" be amended:
 - a) By replacing the following text from Section 104 – Definitions:

“Home-Based Business Use means an occupation or profession, including a Childcare (Family) Use, carried on by an occupant of the dwelling unit for consideration, which is clearly incidental and subordinate to the use of the parcel for residential purposes. Home Based Business Uses shall be subject to the provisions of Section 210”
 - b) With the following text:

“Home-Based Business Use means an occupation or profession, including a Childcare (Family) Use, a Short Term Rental Accommodation (STRA) Use, or a Bed & Breakfast (B&B) Use, carried on by an occupant of the dwelling unit for consideration, which is clearly incidental and subordinate to the use of the parcel for residential purposes. Home Based Business Uses shall be subject to the provisions of Section 210”
 - c) Adding the following text to Section 104 – Definitions:

“Short Term Rental Accommodation (STRA) Use is a Home-Based Business Use that includes the rental of a Dwelling Unit or part of a Dwelling Unit for the accommodation of paying guests for a period of less than one month.

Bed and Breakfast (B&B) Use is a Short Term Rental Accommodation Use wherein one or more rooms in a Dwelling Unit are rented for a period of less than one month and breakfast may be served.”
 - d) By replacing the following text from Section 200 - General Regulations:

“210 – Home Based Business Use

 - e) The use within the principal building shall occupy no more than 20% of the floor area of the principal building, up to a maximum of 50 square metres (538.2 square feet).
 - f) The use within one or more accessory buildings shall occupy a total of not more than 50 square metres (538.2 square feet).

g) In no case shall the aggregate floor area of all buildings used for the Home-Based Business Use exceed 50 square metres (538.2 square feet) on a parcel of land.”

e) With the following text:

“210 – Home Based Business Use

e) The use within the principal building shall occupy no more than 20% of the floor area of the principal building, up to a maximum of 50 square metres (538.2 square feet), except in the case of a Short Term Rental Accommodation Use and / or a Bed & Breakfast Use.

f) The use within one or more accessory buildings shall occupy a total of not more than 50 square metres (538.2 square feet), except in the case of a Short Term Rental Accommodation Use and / or a Bed & Breakfast Use.

g) In no case shall the aggregate floor area of all buildings used for the Home-Based Business Use exceed 50 square metres (538.2 square feet) on a parcel of land, except in the case of a Short Term Rental Accommodation Use and / or a Bed & Breakfast Use.”

f) Add the following to Section 210 Home Based Business Use (General Regulations):

“210 – Home Based Business Use

l) Short Term Rental Accommodation Uses, including Bed & Breakfast Uses, shall comply with all provisions of the Village of Belcarra Short Term Rental Accommodation and Bed & Breakfast Policy, as may be amended from time to time.”

Read a First Time on March 22, 2021

Read a Second Time on March 22, 2021

Public Hearing held on April 26, 2021

Read a Third Time on

ADOPTED by Council on

Jamie Ross
Mayor

Lorna Dysart
Chief Administrative Officer

This is a certified a true copy of
Village of Belcarra Zoning Bylaw No. 510, 2018
Amendment Bylaw No. 580, 2021

Chief Administrative Officer