



REQUEST FOR DECISION
Temporary Use Permit No. 59
Hornor - Temporary Tourist Accommodation
1715 Reid Road (Area C)

Meeting Date: April 4, 2018/April 18, 2018

To: SLRD Electoral Area Directors/SLRD Board

Applicants: Brent Matthew Hornor and Lauren Elizabeth Hornor

Agent: Mina Kim

Location: 1715 Reid Road, Electoral Area C

Legal Descriptions: Lot 17 District Lot 4100 Lillooet District Plan 33675; PID: 001-608-983.
See subject property map (Appendix A).

OCP Designation: Rural Residential (Area C OCP Bylaw No. 689, 1999)	Zoning: Rural 1 (RR1) (Area C Zoning Bylaw No. 765, 2002)	ALR Status: N/A	Development Permit Areas: N/A
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RECOMMENDATIONS:

THAT staff be directed to proceed with review of the Hornor Temporary Use Permit Application No. 59.

THAT the applicant be directed to submit plans for the Change of Use, as per the *SLRD Change of Use Permit* requirements and process, prior to consideration of a Temporary Use Permit by the SLRD Board.

THAT staff be directed to provide/expand Neighbour Notification to all property owners within 300 m in the Reid Road neighbourhood.

KEY ISSUES/CONCEPTS:

The SLRD received a TUP Application proposing temporary tourist accommodation within an existing single-family residence for a period of three years. The SLRD staff preference is for temporary tourist accommodation uses to be considered through a TUP process prior to a rezoning to allow for the monitoring of impacts.

The subject property is zoned RR1 (Rural 1) in Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002 and is designated Rural Residential in the Electoral Area C Official Community Plan Bylaw No. 689, 1999. The applicant has requested a three-year TUP, however,

the SLRD Board may issue the TUP for between 1 to 3 years (maximum), with an opportunity for renewal after the first permit expires.

SLRD staff are proposing that the Change of Use Permit requirements currently used for B&Bs be incorporated into the TUP conditions and that these requirements (floor plans, site plans, inspections) be completed prior to considering the issuance of TUP No. 59. Additionally, SLRD staff are proposing that the neighbour notification parameters be extended to include neighbours within 300 m in the Reid Road neighbourhood (rather than just neighbours within 150 metres).

While it is not the typical TUP procedure to seek direction/input in advance of drafting a TUP, it was felt that direction was needed on the above two mentioned items prior to moving forward with the application process. It should be noted that this is the first application the SLRD has received for a short-term rental use.

RELEVANT POLICIES:

Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002
Electoral Area C Official Community Plan Bylaw No. 689, 1999
SLRD Regional Growth Strategy Bylaw No. 1062, 2008

BACKGROUND:

A TUP is an approval from the SLRD Board for a temporary land use that does not conform to the applicable zoning bylaw. A TUP may be issued for between 1 to 3 years, with an opportunity for renewal for 1 to 3 years after the first permit expires.

The application indicates that the property owners would like to use the subject property for short-term rentals, such as Airbnb, when it is not occupied for residential purposes. Further, the application states that this would be in line with the economic values set out in the SLRD's Official Community Plan and that being able to rent the property on a short-term basis would attract tourists who in turn will support local businesses in the area. The application confirms that the owners will not be redeveloping the property and that there will be no alternation to the property. The application proposed the following additional land use: *temporary tourist accommodation of not more than 10 guests during periods when the dwelling is not occupied for residential purposes.*

Electoral Area C Zoning Bylaw No. 765, 2002

Zoning and Property Size

The subject property is zoned RR1 (Rural 1) and is 5.05 acres or ~ 2 hectares. As such, the following uses are permitted:

- 5.1 (1) On parcels less than one hectare the permitted uses are:
- (a) one single family dwelling
 - (b) one secondary suite
 - (c) farm use excluding intensive agriculture
 - (d) bed and breakfast home
 - (e) uses permitted in section 4.2

- (2) On parcels one hectare or greater, the additional permitted uses are:
- (a) one cottage, or a second dwelling unit to create a duplex
 - (b) garden nursery
 - (c) home industry

Temporary tourist accommodation is not a permitted use in this zone, thus the need for a TUP application. The RR1 Zone does include a Tourist Accommodation (RR1_{TA}) Sub Zone. Rather than rezoning, staff preference is to consider a TUP – which allows a use to be “tested” prior to allowing the use permanently. However, the same RR1_{TA} provisions could apply:

- (1) In addition to the uses permitted in section 5.1, the following uses are permitted in the Tourist Accommodation (RR1_{TA}) sub zone:
- (a) temporary tourist accommodation of not more than 10 guests during periods when the dwelling is not occupied for residential purposes.
- (2) Licensed facilities for serving or sales of alcoholic beverages are not a permitted use in conjunction with temporary tourist accommodation.

Off-Street Parking

As per section 4.21 of the Electoral Area C Zoning Bylaw No. 765, 2002, tourist accommodation including B&B requires one parking pace per accommodation unit.

Electoral Area C Official Community Plan Bylaw No. 689, 1999

The subject property is designated Rural Residential. As such, the following objectives and policies apply:

Rural Residential

- To encourage the location of urban development forms, such as small lot residential subdivision and community facilities, within the Village of Pemberton’s core area, without precluding the establishment of localized facilities to serve plan area residents.
- To promote development consistent with the existing rural and semi-rural character of the area.
- To facilitate the provision of a range of housing choices.
- To ensure the planning, design, and construction of energy efficient neighbourhoods and buildings to minimize greenhouse gas emissions, maximize energy conservation, and improve air and water quality.

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4.2. Permitted uses in Rural Residential areas are a single family home, a secondary suite, home-based businesses, home industry, accessory buildings, and ancillary uses related to the above.

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4.20. Due to concerns about possible impacts on groundwater supplies, those lands rezoned to permit one hectare parcels in the Ivey Lake/Reid Road neighbourhood (including Lots 1-13 & Lots 19-32, DL 2679 and Lots 14-18 and Lots 33 to 51, DL 4100, all Plan 33675, LLD) are permitted only one dwelling per parcel (including secondary suite).

The following Economic and Commercial objectives and policies are also relevant:

Economic Development

- To foster a diversified economy that supports commercial activity at scales and locations that meet local and visitor needs and contributes to the continued economic viability of Electoral Area C.

- Foster a variety of recreational opportunities for residents and visitors, where both direct and indirect employment benefits for local residents can be realized.
- Promote the development of home based business opportunities which are compatible with the rural character of the plan area.

3.1. Provide for commercial development in Electoral Area C that serves local needs, facilitates tourism, or contributes to more complete communities.

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3.4. Pursuant to section 920.2 [492] of the *Local Government Act*, all lands within the plan area are designated as areas where temporary commercial or industrial uses may be allowed and which may be permitted through an application to the Regional District.

....

3.5. Future rezonings, subdivisions, and building permits for commercial properties should promote the use of the land by small- and medium-format businesses that are locally responsive and preserve the character of the area.

Commercial Lands

- To support the viability of the Village of Pemberton's down town core.
- To ensure adequate goods and services are locally available to residents of and visitors to Area C.
- To encourage the location of urban development forms, such as intensive forms of commercial/industrial activity, within the Village of Pemberton's core area.
- To ensure the planning, design, and construction of energy efficient buildings to minimize greenhouse gas emissions, maximize energy conservation and improve air and water quality.

....

7.2. Tourism Commercial businesses that do not conflict with existing land uses, or cause unacceptable environmental or social impacts are encouraged within the Plan Area.

ANALYSIS:

The proposed TUP Conditions reflect existing SLRD requirements for similar uses.

Proposed TUP Conditions:

Change of Use Permits

In the SLRD, a dwelling used as a bed and breakfast requires a change of use permit - from a single family dwelling to a single family dwelling with a B&B - to ensure safety requirements set out in the BC Building Code are met. SLRD staff are proposing a similar approach for TUPs for temporary tourist accommodation uses and that these requirements be met prior to consideration of the TUP/be as conditions of the TUP. (Note that as this is the first application of its kind, **it was confirmed with the Building Department that a Change of Use Permit should be required.** Staff will be recommending an amendment to the SLRD Temporary Use Permit Policy to this effect, to come with the proposed changes for work camps.)

The following is required when applying for a Change of Use building permit application and is proposed to be included in the Temporary Use Permit:

1. Two Copies of Floor Plans. Floor plans:
 - Identify which rooms are being used for temporary tourist accommodation
 - Show location of smoke detectors in each temporary tourist accommodation bedroom
 - Show location of smoke detector in corridor near temporary tourist accommodation bedrooms

2. Site plan showing single family dwelling, driveway and location of parking space for temporary tourist accommodation use. As per the Electoral Area C Zoning Bylaw No. 765, 2002, a single family dwelling requires two parking spaces. Each temporary tourist accommodation bedroom requires one parking space. If you are allocating more than one bedroom for temporary tourist accommodation use, you must be able to show a parking space for each bedroom (i.e. single family dwelling allocating two bedrooms for temporary tourist accommodation use will require four parking spaces).

3. Other requirements:
 - If the garage is attached to the principal building and/or a gas fire appliance is in the house, a carbon monoxide detector is required in the corridor within 5 metres of the B & B bedrooms.
 - A fire extinguisher is required on each floor that a B & B bedroom is allocated – it must be visible.

Once the requirements of the *Change of Use* have been completed, the applicant will arrange for a building inspection. The Building Inspector will perform an inspection, looking for any health and safety issues, i.e. exits, fire safety-related issues, hand rails, stairs, etc.

If the Building Inspector has any issues, he will leave an inspection card detailing the issues. Once the issues have been resolved and the final inspection completed, the Board may issue the TUP for the temporary tourist accommodation use.

Maximum Number of Guests

As per the RR1_{TA} Zone, the maximum number of guests could be set at ten people. The current bed and breakfast provisions in the Electoral Area C Zoning Bylaw No. 765 allow for up to 8 guests. Staff is seeking input from the Board on the number of guests to permit, which will be a condition of the subject TUP. It should be noted that the Ivy Lake/Reid Road neighbourhood, including the subject property, is an area of concern for groundwater supplies and the zoning only permits one dwelling per parcel to reflect these water concerns. Thus, the Board may wish to limit the temporary tourist accommodation use to 8 guests (or less), similar to that supported under the current bed and breakfast zoning provisions. This can be made a condition of the Temporary Use Permit.

Off-Street Parking Requirements

One parking space per accommodation unit, as required under the Electoral Area C Zoning Bylaw No. 765, 2002.

Strict Adherence to the SLRD Electoral Area C Noise Bylaw No 1438-2015.

5.0 SPECIFIC PROHIBITIONS

5.1 Without limiting the generality of the prohibitions contained in Section 4 of this Bylaw, no person shall cause or permit the following to occur

SPECIFIC PROHIBITION	MONDAY – SATURDAY	SUNDAY & STATUTORY HOLIDAY
Any amplified music or singing or speech or sounds made by instrument, radio, stereophonic equipment or other device which is audible outside the premises on the real property from where the music or speech originates which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public outside of the following hours, unless written approval is obtained from an <i>Authorized Person</i> .	Before 7:00am or After 11:00pm	Before 9:00am or After 11:00pm
Any <i>construction noise</i> or vibration, which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public outside of the following hours, unless written approval is obtained from an <i>Authorized Person</i> .	Before 7:00am or After 8:00pm	Before 10:00am or After 4:00pm

Community Amenity Condition

As the proposed additional temporary use is similar to an “up-zoning” for the period of the TUP (1-3 years plus potential 3 renewal years), with the value or potential income generated on the property increasing significantly from the commercial activity, SLRD staff are proposing that the conditions of the TUP include a \$1,000 annual contribution to the *Electoral Area C Community Services Reserve* (to be a newly created reserve fund). Note the provision of community amenity conditions within TUPs was discussed at the March 1, 2018 SLRD Committee of the Whole meeting.

Permit Period:

The application is for a three year period. The SLRD Board may issue the TUP for between 1 to 3 years (maximum), with an opportunity for renewal after the first permit expires. Staff is seeking input from the SLRD Board on the desired permit period (number of years) for the subject TUP.

Neighbour Notifications

Neighbour Notifications are required for TUP No. 59 and will be provided to tenants and owners, as per the SLRD Temporary Use Permit Policy and the *Local Government Act*, prior to the TUP being brought to the SLRD Board for consideration to approve/issue. It is also recommended that the Board consider expanding the neighbour notification to include homes within 300 m in the

Reid Road neighbourhood (LGA only requires notification to neighbours within 150 metres of the subject property). This would ensure that the more of the neighbourhood is made aware of the application and process for considering *temporary tourist accommodation* uses; it will also ensure the whole neighbourhood has an opportunity to provide input.

REGIONAL IMPACT ANALYSIS:

Many of the SLRD's policies are regional in nature. As the first application for temporary tourist accommodation, TUP No. 59 is precedent setting – both in terms of the process and permit – and thus although the immediate impacts of the proposed additional use will not have regional impact, the approach will.

In addition to the recommendations below, staff is seeking input on the following items/conditions in advance of drafting any TUP:

- Permit Period (1-3 years)
- Maximum Number of Guests
- Community Amenity
- Any other conditions for inclusion in the subject TUP

OPTIONS:

Option 1 (PREFERRED OPTION)

Direct staff to proceed with review of the Honor Temporary Use Permit Application No. 59.

Direct staff to provide/expand Neighbour Notification to neighbours within 300 m in the Reid Road neighbourhood.

Direct staff to request the applicant submit plans for the Change of Use, as per the *SLRD Change of Use Permit* requirements and process, prior to issuance of a Temporary Use Permit.

Option 2

Refer back to staff for clarification, revision or direction not to proceed.

Option 3

As per Board direction.

ATTACHMENTS:

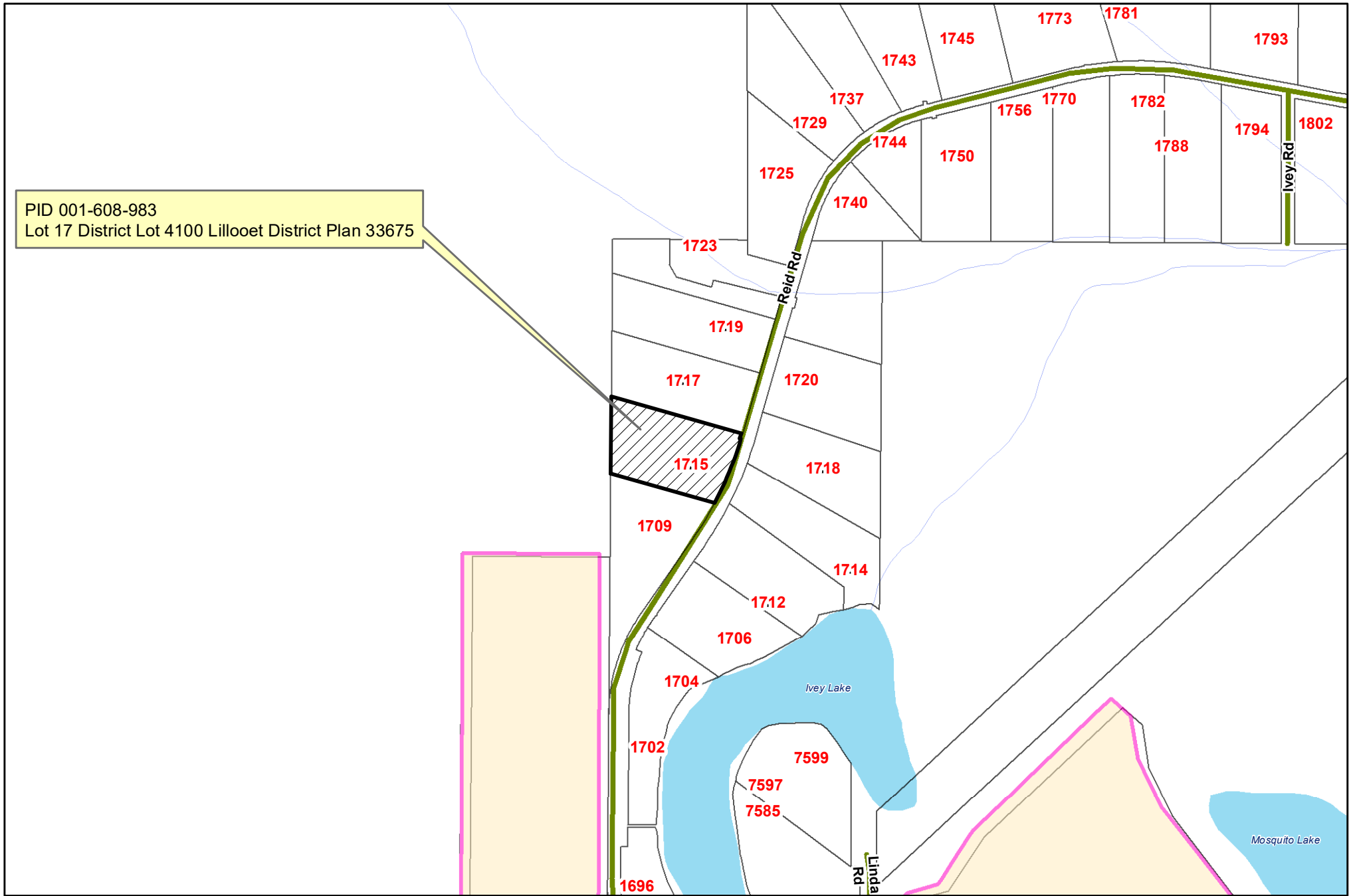
Appendix A: Temporary Use Permit No. 59 Subject property map

Prepared by: C. Daniels, Planner

Reviewed by: K. Needham, Director of Planning and Development

Approved by: L. Flynn, Chief Administrative Officer

PID 001-608-983
Lot 17 District Lot 4100 Lillooet District Plan 33675



1:7,500

0 3060 120
Meters



TUP Subject Property



Municipalities



Electoral Areas



Cadastral

Street Centreline

Lakes

Streams

TUP #59
Schedule 1



SQUAMISH - LILLOOET
REGIONAL DISTRICT