



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

Meeting Date: September 26, 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
---	--	---------------------------	---

RECOMMENDATION:

THAT the Board reject Temporary Use Permit No. 59 regarding Tourist Accommodation at 1715 Reid Road.

KEY ISSUES/CONCEPTS:

On February 20, 2018, the SLRD received a Temporary Use Permit (TUP) Application proposing tourist accommodation within an existing single-family residence (not a principal residence) for a period of 3 years. A TUP is an approval from the SLRD for a temporary land use that does not conform to the applicable zoning bylaw. The application was given permission for staff to undertake a review of it by the Board at the April 18, 2018 SLRD Board meeting. 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 3 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.

Since receiving the subject application, the SLRD Board has considered more broadly the issues and impacts of short-term rentals in the SLRD. At the August 30, 2018 SLRD Committee of the Whole meeting, the SLRD Board received a report on Illegal Short-Term Rentals and Options for Action/Enforcement. At this meeting, staff received direction that the SLRD Board would only consider zoning amendment applications for short-term rental operations (as apposed to TUPs). It

was felt by the Board that short-term rental operations were not temporary in nature and should be required to go through the more fulsome zoning amendment process. Additionally, staff were directed to develop options/criteria for considering any such zoning amendment applications.

Previous Board Resolutions

On April 18, 2018 the SLRD Board passed the following resolutions:

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 on Reid Road.

THAT conditions for Temporary Use Permit No. 59 include the following:

- *A term of one year and, at the discretion of the SLRD Board, renewable for one additional term of up to 3 years; and*
- *Allow for up to a maximum of 4 guest bedrooms servicing a maximum of 8 guests/persons to align with the BC Building Code's rules regarding Bed and Breakfast accommodations.*
- *A community amenity contribution of \$1,000 per year to the Electoral Area C Community Services Reserve.*

The following resolution was made by the SLRD Board at the June 27 & 28, 2018 Board meeting:

THAT staff bring back a report with options for dealing with illegal short-term rentals / temporary tourist accommodations, including:

- *strong enforcement;*
- *enforcement options;*
- *details of how other regional districts have effectively enforced their regulations regarding short-term rentals / temporary tourist accommodations;*
- *the removal of Bed and Breakfasts use by default in SLRD zoning bylaws; and*
- *the options provided should be appropriate for each of the separate communities / Electoral Areas.*

As such, all applications for tourist accommodation/short-term rentals were put on hold until the subject report was brought forward.

At the August 29 & 30, 2018 Board meeting the SLRD Board resolved:

THAT a system of proactive bylaw enforcement with respect to short-term rentals be put in place;

THAT a policy of enforcement with respect to short-term rentals be developed and brought back to a future SLRD Board meeting; and

THAT budgetary options for enforcement of short-term rentals be developed and brought back to a future SLRD Board meeting.

THAT draft zoning bylaw amendments in respect of each Electoral Area that remove the Bed and Breakfast category “as of right” from all zones, be prepared and brought back to a future SLRD Board meeting; and

THAT options be provided for replacement of such Bed and Breakfast category.

THAT all non-compliant short-term rental uses must apply for rezoning to allow for the short-term rental uses, and that temporary use permits will not be considered as a means to legitimize short-term rental uses.

THAT a robust communication plan regarding short-term rentals be developed and brought back to the same future SLRD Board meeting as the enforcement policy.

THAT good neighbour guidelines (including with respect to short-term rentals) be developed and brought back to a future SLRD Board meeting.

Regarding the Board’s initial resolutions of April 18, 2018, it should be noted that:

Change of Use Process

The proponent successfully worked through the Tourist Accommodation (TA) Change of Use process requirements (parking, safety, etc.), including approval by the SLRD Building Inspector for fire and life safety.

Neighbour Notifications

Neighbour Notification letters have not been sent out, as staff felt the application should come back to the Board for consideration, given the resolution passed on August 30, 2018 regarding short-term rentals, prior to any further notification steps.

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:

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. The property is not a principal residence, however. 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 under a TUP: *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

As the application proposes a “turn-key” short-term rental operation, in which the single family dwelling is not resident/owner occupied nor a principal residence, the use cannot be considered a bed and breakfast.

ANALYSIS:

Purpose of TUP No. 59

The purpose of Temporary Use Permit (TUP) No. 59 is to allow for tourist accommodation of not more than 8 guests (i.e. short-term rentals such as Airbnb) within an existing single-family residence when the property is not occupied for residential purposes. Note this is not the property owner’s principal residence.

Complaints

SLRD Electoral Directors and Staff have been receiving an increasing number of complaints associated with illegal short-term nightly rentals. The number of illegal short-term nightly rentals also continues to grow. Additionally, some neighbours have voiced concerns about the prospect of legalizing short-term rentals through Temporary Use Permits or Zoning Amendments. The SLRD also received a number of letters not supporting this particular application, and not supporting short-term rentals in the Reid Road neighbourhood in particular (See [August 29, 2018 SLRD Board Agenda](#)).

Given the Board resolutions passed on August 30, 2018 directing that all short-term rental applications be considered through a zoning amendment process only, staff are recommending that the SLRD Board reject the subject TUP. Additionally, community input provided to date, and complaints received from the Reid Road neighbourhood in particular, suggest that the proposed additional use may not be appropriate or supported in this location.

Further, it should be noted that staff are in the process of developing options/criteria for the consideration of short-term rental applications, which will likely result in amendments to the SLRD zoning bylaws. Until the SLRD has established a framework and process for short-term rentals, it is felt that applications should not be accepted.

REGIONAL IMPACT ANALYSIS:

Many of the SLRD's policies are regional in nature. As the first application for 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.

OPTIONS:

Option 1 (PREFERRED OPTION)

Reject the TUP application.

Option 2

Direct staff to provide neighbour notifications and prepare a TUP for issuance.

Option 3

As per Board direction.

ATTACHMENTS:

Appendix A: Illegal Short-term Rentals and Options for Action/Enforcement – Information Report – August 30, 2018 (<https://www.slrld.bc.ca/inside-slrld/meetings-and-agendas/agendas-minutes/continuation-board-committee-whole-30-august-2018>)

Prepared by: C. Daniels, Planner

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

Approved by: L. Flynn, Chief Administrative Officer