



## **CITY OF WEST KELOWNA REGULAR COUNCIL AGENDA**

Tuesday, September 29, 2020, 6:00 P.M.

COUNCIL CHAMBERS

2760 CAMERON ROAD, WEST KELOWNA, BC

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**Pages**

### **1. CALL THE REGULAR COUNCIL MEETING TO ORDER**

It is acknowledged that this meeting is being held on the traditional territory of the Syilx/Okanagan Peoples.

This meeting is open to the public. In accordance with COVID-19 protocols, a viewing area that will accommodate three members of the public, is available on a first come first serve basis. All representations to Council form part of the public record. This meeting is being webcast live and will be archived on the City's website.

### **2. INTRODUCTION OF LATE ITEMS**

### **3. ADOPTION OF AGENDA**

### **4. ADOPTION OF MINUTES**

4.1	Minutes of the Special Council Meeting held September 8, 2020 in the City of West Kelowna Council Chambers	4
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4.2	Minutes of the Regular Council Meeting held September 8, 2020 in the City of West Kelowna Council Chambers	7
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### **5. MAYOR AND COUNCILLOR'S REPORTS**

#### **5.1 Mayor Milsom**

	5.1.1	Regional District of Central Okanagan Highlights from the September 10, 2020 Regional Board Meeting	13
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### **6. DELEGATIONS**

### **7. UNFINISHED BUSINESS**

### **8. DIVISION REPORTS**

## **8.1 CHIEF ADMINISTRATIVE OFFICER**

### **8.1.1 Rose Valley Water Treatment Plant Progress Update**

Verbal Update from the CAO

## **8.2 DEVELOPMENT SERVICES**

### **8.2.1 P 20-16, Short Term Rentals**

14

Council Report with Decision Points

### **8.2.2 Z 20-09, Multi-Tenant Cannabis Review, Zoning Amendment Bylaw No. 0154.93**

47

Recommended Motion:

Option 1 (Amend Bylaw):

**THAT** Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.93, 2020; and

**THAT** Council direct staff to schedule a public hearing for the proposed Zoning Amendment Bylaw.

**OR**

Option 2 (No Amendments):

**THAT** Council not proceed with the proposed City of West Kelowna Zoning Amendment Bylaw No. 0154.93.

**OR**

Option 3 (Postpone):

**THAT** Council postpone consideration of City of West Kelowna Zoning Amendment Bylaw No.0154.93.

### **8.2.3 P 20-02, Proposed Park Land Acceptance Policy**

55

Recommended Motion:

**THAT** Council adopt the “Park Land Acceptance Policy” dated September 29, 2020.

### **8.2.4 Development Services Feedback Survey – Initial Results**

65

Information Report from the Director of Development Services

## **8.3 ENGINEERING / PUBLIC WORKS / PARKS**

Recommended Motion:

**THAT** Council direct staff to apply to the Investing in Canada Program's COVID-19 Resilience Stream seeking funding for active transportation improvements along the Old Okanagan Highway/Shannon Lake Road/Stevens Road corridor; and

**THAT** Council amend the 2020 to 2029 Capital Plan to allocate the City of West Kelowna's share of funding from reserves, subject to a successful grant application; and

**THAT** Council authorize the Mayor and Corporate Officer to execute any agreements.

**8.4 FIRE RESCUE SERVICES**

**8.5 CORPORATE INITIATIVES**

**8.5.1 COVID-19 Economic Development & Tourism Update #2**

**73**

Information Report from the Economic Development and Tourism Manager

**8.6 FINANCIAL SERVICES**

**8.7 CORPORATE SERVICES / RECREATION AND CULTURE**

**9. CORRESPONDENCE AND INFORMATION ITEMS**

**9.1 Letter from Meg Bjordal, WildSafeBC Community Coordinator, BC Conservation Foundation, dated September 23, 2020, re Human-Bear Conflict**

**85**

**10. NOTICE OF MOTION**

**11. ADJOURNMENT OF THE REGULAR MEETING**

The next Special Council meeting is scheduled for 4:00 p.m., Tuesday, October 6, 2020.

The next Regular Council meeting is scheduled for 1:30 p.m., Tuesday, October 13, 2020.



**CITY OF WEST KELOWNA**  
**MINUTES OF THE SPECIAL MEETING OF COUNCIL**

Tuesday, September 8, 2020  
COUNCIL CHAMBERS  
2760 CAMERON ROAD, WEST KELOWNA, BC

MEMBERS PRESENT: Mayor Gord Milsom  
Councillor Rick de Jong  
Councillor Doug Findlater  
Councillor Jason Friesen  
Councillor Stephen Johnston  
Councillor Carol Zanon  
Councillor Jayson Zilkie (arrived at 11:38 a.m.)

Staff Present: Paul Gipps, CAO  
Allen Fillion, Director of Engineering / Public Works  
Warren Everton, Director of Finance / CFO  
Jason Brolund, Fire Chief  
Sandy Webster, Director of Corporate Initiatives  
Michelle Reid, Director of Human Resources  
Mark Koch, Director of Development Services  
Shelley Schnitzler, Legislative Services Manager

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**1. CALL THE SPECIAL COUNCIL MEETING TO ORDER**

The Special Council meeting was called to order at 11:36 a.m.

It was acknowledged that this meeting was held on the traditional territory of the Syilx/Okanagan Peoples.

**2. PROCEDURAL MOTION**

It was moved and seconded

Resolution No. C218/20

**WHEREAS** the Minister of Public Safety and Solicitor General under the *Emergency Program Act* has issued Ministerial Order No. M192, dated June 17, 2020, in regards to "Local Government Meetings and Bylaw Process (COVID-19) Order No. 3", therefore be it resolved



**THAT** Council does not allow members of the public to attend this open meeting as the meeting space will not accommodate members of the public in accordance with the requirements or recommendations under the *Public Health Act*.

CARRIED UNANIMOUSLY

**3. ADDITIONS OR CHANGES TO PROCEDURAL MOTION**

**3.1 Add 90(1)(f), (k), and 90(2)(b)**

**4. ADOPTION OF AGENDA**

It was moved and seconded

Resolution No. C219/20

**THAT** the agenda be adopted as amended.

CARRIED UNANIMOUSLY

**5. PROCEDURAL MOTION**

Resolution No. C220/20

**THAT** Council close the meeting in accordance with Section 90(1) of the *Community Charter* for:

(c) labour relations or other employee relations;

(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;

(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public; and,

**THAT** Council close the meeting in accordance with Section 90(2) of the *Community Charter* for:

(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

CARRIED UNANIMOUSLY

**6. ADJOURNMENT OF THE SPECIAL COUNCIL MEETING**

The Special Council meeting adjourned at 1:10 p.m.

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MAYOR

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LEGISLATIVE SERVICES MANAGER



**CITY OF WEST KELOWNA**  
**MINUTES OF THE REGULAR MEETING OF COUNCIL**

Tuesday, September 8, 2020  
COUNCIL CHAMBERS  
2760 CAMERON ROAD, WEST KELOWNA, BC

MEMBERS PRESENT: Mayor Gord Milsom  
Councillor Rick de Jong  
Councillor Doug Findlater  
Councillor Jason Friesen  
Councillor Stephen Johnston  
Councillor Carol Zanon  
Councillor Jayson Zilkie

Staff Present: Paul Gipps, CAO  
Allen Fillion, Director of Engineering / Public Works  
Warren Everton, Director of Finance / CFO  
Sandy Webster, Director of Corporate Initiatives  
Michelle Reid, Director of Human Resources  
Mark Koch, Director of Development Services  
Jason Brolund, Fire Chief  
Brent Magnan, Planning Manager  
Shelley Schnitzler, Legislative Services Manager

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**1. CALL THE REGULAR COUNCIL MEETING TO ORDER**

The meeting was called to order at 1:31 p.m.

It was acknowledged that this meeting was held on the traditional territory of the Syilx/Okanagan Peoples.

**Procedural Motion:**

It was moved and seconded

Resolution No. C221/20

**WHEREAS** the Minister of Public Safety and Solicitor General under the *Emergency Program Act* has issued Ministerial Order No. M192, dated June 17, 2020 in regards to "Local Government Meetings and Bylaw Process (COVID-19) Order No. 3", therefore be it resolved:

**THAT** Council does not allow members of the public to attend this open meeting, as the meeting space will not accommodate members of the public in accordance with the requirements or recommendations under the *Public Health Act*; and

**THAT** Council hereby notifies the public that this meeting is being webcast live and will be archived on the City's website to ensure openness, transparency, accessibility and accountability in respect of this meeting.

CARRIED UNANIMOUSLY

## **2. INTRODUCTION OF LATE ITEMS**

**2.1 Phone Call from Honourable Adrian Dix, Minister of Health - Health Update (see item 4.1)**

**2.2 Development Variance Permit 20-11, 1449 Green Bay Road (see item 9.2.4 under Division Reports), Letters Received from the Following:**

- Stephen Knight
- Ron Barron, Gerry Barron and Tony Barron
- Rob Chetner
- Jenny Mohr

## **3. ADOPTION OF AGENDA**

It was moved and seconded

Resolution No. C222/20

**THAT** the agenda be adopted as amended.

CARRIED UNANIMOUSLY

## **4. PROVINCIAL MINISTRY UPDATE**

**4.1 Honourable Adrian Dix, Minister of Health**

Honourable Adrian Dix called into the Council meeting to announce a new Urgent and Primary Care Facility for the Westside. The facility will be located at 2484 Main Street, West Kelowna. The facility will be open 7 days per week for patient care starting November, 2020 and is projected to provide services for 27,000 patients annually.

## **5. ADOPTION OF MINUTES**

**5.1 Minutes of the Special Council Meeting held August 25, 2020 in the City of West Kelowna Council Chambers**

It was moved and seconded

Resolution No. C223/20

**THAT** the minutes of the Special Council Meeting held August 25, 2020 in the City of West Kelowna Council Chambers be adopted.

CARRIED UNANIMOUSLY

**5.2 Minutes of the Public Hearing held August 25, 2020 in the City of West Kelowna Council Chambers**

It was moved and seconded

Resolution No. C224/20

**THAT** the minutes of the Public Hearing held August 25, 2020 in the City of West Kelowna Council Chambers be adopted.

CARRIED UNANIMOUSLY

**5.3 Minutes of the Regular Council Meeting held August 25, 2020 in the City of West Kelowna Council Chambers**

It was moved and seconded

Resolution No. C225/20

**THAT** the minutes of the Regular Council Meeting held August 25, 2020 in the City of West Kelowna Council Chambers be adopted.

CARRIED UNANIMOUSLY

**6. MAYOR AND COUNCILLOR'S REPORTS**

**6.1 Mayor Milsom**

**6.1.1 Regional District of Central Okanagan Highlights from the August 24, 2020 Regional Board Meeting**

**7. PRESENTATIONS**

**7.1 Brian Reardon, CAO, Regional District of Central Okanagan**

Mr. Reardon provided a Regional District Service Overview.

**8. UNFINISHED BUSINESS**

**9. DIVISION REPORTS**

**9.1 CHIEF ADMINISTRATIVE OFFICER**

### **9.1.1 Rose Valley Water Treatment Plant Progress Update**

Verbal Update from the CAO

## **9.2 DEVELOPMENT SERVICES**

### **9.2.1 Z 20-03, OCP and Zoning Amendment Bylaw No. 100.59 and 154.90 (1st and 2nd), 2971 Gorman Rd**

It was moved and seconded

Resolution No. C226/20

**THAT** Council give first and second reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.59, 2020 (File: Z 20-03); and

**THAT** Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.90, 2020 (File: Z 20-03); and

**THAT** Council direct staff to schedule the proposed bylaw amendments for Public Hearing.

CARRIED UNANIMOUSLY

### **9.2.2 Z 20-02; Zoning Amendment Bylaw No. 0154.91, 2020 (3rd Reading), 2417 Apollo Road**

It was moved and seconded

Resolution No. C227/20

**THAT** Council give 3<sup>rd</sup> reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.91, 2020 (File: Z 20-02); and

**THAT** Council direct staff to schedule the bylaw for consideration of adoption following approval of the bylaw by the Ministry of Transportation and Infrastructure.

CARRIED UNANIMOUSLY

The meeting recessed at 2:40 p.m.

The meeting reconvened at 2:52 p.m.

### **9.2.3 DVP 20-10, Development Variance Permit, 1267 Bowes Rd**

It was moved and seconded

Resolution No. C228/20

**THAT** Council authorize the issuance of a Development Variance Permit (DVP 20-10) for Lot B District Lot 3866 ODYD Plan 28667 (1267 Bowes Rd) to allow construction of an accessory building in general accordance with the attached permit to vary Zoning Bylaw No. 0154 as follows:

- 10.4.5(g).1 to reduce the minimum front yard setback from 4.5 m to 3.9 m for the proposed accessory building; and
- 10.4.5(g).4 to reduce the minimum exterior side yard setback from 4.5 m to 1.5 m for the proposed accessory building.

**CARRIED UNANIMOUSLY**

**9.2.4 DVP 20-11; Development Variance Permit; 1449 Green Bay Road**

It was moved and seconded

Resolution No. C229/20

**THAT** Council support the issuance of a Development Variance Permit (DVP 20-11) for 1449 Green Bay Road to vary Zoning Bylaw No. 0154, S.13.2.5 (d) to increase the maximum building height from 12.0 m to 12.72 m in accordance with the attached permit; and

**THAT** Council direct staff to amend the permit to allow re-siting of the building if the applicant chooses to accommodate the concerns of the adjacent Waterfront Development.

**CARRIED UNANIMOUSLY**

**9.2.5 City of West Kelowna Local Area Water Service Establishment (Westbank Irrigation District) Bylaw 2009 No 0080, 2802 Smith Creek Road, Local Area Service Inclusion**

It was moved and seconded

Resolution No. C230/20

**THAT** Council adopt “City of West Kelowna Local Area Water Service Establishment (Westbank Irrigation District) Amendment Bylaw No 0080.09 2020”.

**CARRIED UNANIMOUSLY**

**9.2.6 City of West Kelowna Local Area Water Service Establishment (Westbank Irrigation District) Bylaw 2009 No 0080, 2850 Dixie Road, Local Area Service Inclusion**

It was moved and seconded

Resolution No. C231/20

**THAT** Council adopt “City of West Kelowna Local Area Water Service Establishment (Westbank Irrigation District) Amendment Bylaw No 0080.10 2020

CARRIED UNANIMOUSLY

- 9.3 ENGINEERING / PUBLIC WORKS / PARKS**
- 9.4 FIRE RESCUE SERVICES**
- 9.5 CORPORATE INITIATIVES**
- 9.6 FINANCIAL SERVICES**
- 9.7 CORPORATE SERVICES / RECREATION AND CULTURE**
- 10. CORRESPONDENCE AND INFORMATION ITEMS**
- 11. NOTICE OF MOTION**
- 12. ADJOURNMENT OF THE REGULAR MEETING**

The meeting adjourned at 3:47 p.m.

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MAYOR

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LEGISLATIVE SERVICES MANAGER



## Highlights of the Regional Board Meeting – September 10, 2020

### Regional Parks Service Review

The Regional Board has received a report from a scheduled review of the Regional Parks service. The report makes a number of recommendations to increase operational efficiencies and ensure continued provision of cost-effective services in the regional park system including:

- updating the Regional Parkland Acquisition Strategy
- targeting fundraising partnerships to assist or offset the operating and capital development costs associated with future park amenity/infrastructure

The Board also agreed to phase in a reduction of the \$39,000 annual grant to the Friends of Fintry Provincial Park by one third in 2021 and again in 2022 with no grant in 2023 or after. The funds would be reallocated and used to enhance regional parks programs and services for residents and visitors. The Board also directed that a letter be sent to the Provincial Government advising of the funding adjustments to the Society and allowing time to explore alternate sources.

### Environmental Advisory Commission

The Regional Board has appointed a new member to the Environmental Advisory Commission. Leah Schurian will join the volunteer Commission in October and will serve through September 2023. The Commission members represent a diverse background of environmental professions, practice and experience and provide expert advice to the Regional Board on environmental issues relating to land use and development applications.

### Audio of the Regional Board meeting at:

[rdco.com/media/290994/Audio\\_20\\_09\\_10brd.mp3](http://rdco.com/media/290994/Audio_20_09_10brd.mp3)

### Falcon Ridge Water System Expansion

The Regional Board has adopted a bylaw expanding the service area for the Falcon Ridge water system. Following a successful petition of area property owners, nine new properties will be added to the system service area. The owners of these properties will fund the expansion and will be responsible for the cost of connecting their property to the water system. It's anticipated construction will take place in 2021.

### Regional Board Meetings

Regional District office – 1450 KLO Road, Kelowna (Woodhaven Boardroom).

- **Monday, September 28** – 7:00 pm
- **Thursday, October 8** – following 8:30 am Governance & Services Committee meeting
- **Monday, October 26** – 7:00 pm



### Volunteer Stewardship Opportunity

#### Invasive Weed Management

Many of the natural areas in parks are at risk due to invasive species. Volunteers are integral to invasive plant management and improving the ecological health of our parks!

Working together, while maintaining physical distancing, volunteers will pull weeds on the southern slope on a section of the Greenway. No experience is necessary! Training provided!

For COVID-19 safety this program is limited to 8 participants. To participate in this project please register on-line at: [rdco.com/parksvip](http://rdco.com/parksvip)

**Saturday  
September 19**

**9:00 a.m. –  
11:00 p.m.**

**Check in 8:45**



## COUNCIL REPORT WITH DECISION POINTS

To: Paul Gipps, CAO

Date: September 29, 2020

From: Hailey Rilkoff, Planner II

File No: P 20-16

Subject: **P 20-16, Short Term Rentals**

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### EXECUTIVE SUMMARY

*West Kelowna is a growing tourism destination. Short term rental accommodations are a growing trend and there are a number of opportunities and challenges that surround this type of use, particularly in predominantly residential areas. This report outlines the current policy and regulations, short term rental listing numbers, and bylaw enforcement related to short term rentals in West Kelowna. A review of the regional approaches taken to regulating short term rentals is outlined and decision points for Council's consideration are presented.*

### STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity – Policies and advocacy to enhance economic prosperity; Continued growth in tourism.

### BACKGROUND

Short term rentals, sometimes called vacation rentals, are a form of tourism accommodation, typically defined as renting a dwelling, or any part of a dwelling, for a period of less than 30 days. Long term rentals of over 30 days are regulated, in most cases, by the *Residential Tenancy Act*. Some short term rental platforms are often described as being a part of the “sharing economy”, which also includes other activities such as ride-sharing or co-working spaces. There are over 50 online platforms for short term rental listings. The company, AirBnB, has grown to be one of the most recognizable platforms, and is often use as a generic term for, and often used interchangeably with, the term short term rentals.

On September 5, 2017, Council received correspondence from the Greater Westside Board of Trade regarding unregulated home sharing and short term rentals. At that time, Council discussed the possibility of adding short term rentals to the list of strategic priorities however no resolution was passed at the meeting.

On September 17, 2019, Council received a delegation with a supporting information package (*Attachment 1*) in regards to short term rentals and Air BnB's in West Kelowna. Council directed staff to bring a report back within 6 months, however due to staff resources and the impacts of COVID-19 on priorities, this report was delayed. While the City's Zoning Bylaw currently defines this use with the term "vacation rental", the term "short term rental (STR)" will be used throughout this report.

### Policy Overview

#### *Zoning Bylaw No. 0154*

The Zoning Bylaw defines "vacation rental" as "the rental of all or part of a dwelling for periods of less than 30 days". Section 3.3.1(b) prohibits vacation rentals in every zone. Bed and breakfasts, agri-tourism accommodations and the use of resort apartment and resort townhouse are separately defined or regulated in the Zoning Bylaw.

Section 3.17 regulates bed and breakfasts, which are only permitted in single detached dwellings and must be operated by the dwellings occupant. Bed and breakfasts are not permitted on parcels with secondary suites or carriage houses. Zones which permit bed and breakfasts as secondary uses include Agricultural (A1); Rural Residential (RU1-RU5), and Residential (R1 & R1L).

Section 3.20 regulates agri-tourism accommodations, which are only permitted in single detached dwellings and all or part of the parcel must be classified as a farm. Resort apartment or resort townhouse uses are permitted in the Tourist and Resort Commercial Zone and some Comprehensive Development (CD) zones which allow these units to be occupied for periods of less than 30 days.

Excerpts from the Zoning Bylaw as referenced above are provided in *Attachment 2*.

#### *Economic Development Plan*

West Kelowna is a managing partner of the Westside tourism initiative (between the City of West Kelowna and Westbank First Nation) and strengthening the City's role as a Tourism Destination Manager and Developer is one of West Kelowna's Economic Development Strategic Focus Areas<sup>1</sup>. Efforts are focused on increasing visitor activities, supporting business growth and building tourism capacity within the Westside area.

## **DISCUSSION**

### Short Term Rental Opportunities and Challenges

There are a number of opportunities that short term rentals can bring to a community. They are a part of the tourism industry as they create increased accommodation options for visitors to an area. Short term rentals, similar to rental income from secondary suites, are often viewed as a "mortgage helper" for home owners. For landlords who rent

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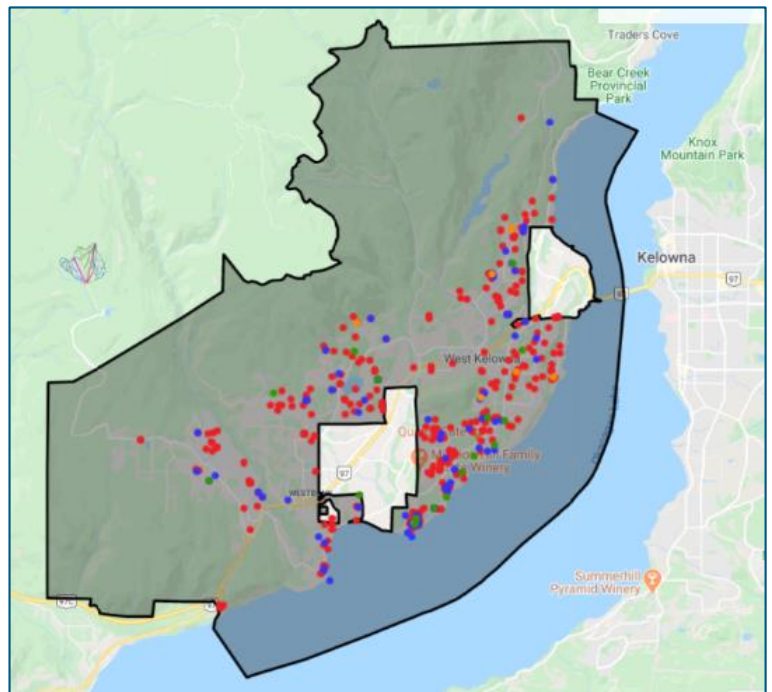
<sup>1</sup> West Kelowna Economic Development Plan: Our approach to economic growth (2017)

to students, short term rentals can provide income during the summer months when students leave a community to return home, travel or seek work.

However, there are also a number of challenges short term rentals can bring to a community, particularly if they are unregulated. Issues such as noise and parking can negatively impact residential neighbourhoods and the conversion of long-term rentals into short term rentals contributes to challenges with an already low rental vacancy rate. Unregulated short term rentals are not meeting the same health and safety standards or inspections as traditional accommodation providers nor the same business licencing process. In addition, potential revenue to contribute to tourism marketing and affordable housing programs or projects from an accommodation tax is lost<sup>2</sup>.

### Current Accommodation Inventory

As of July 2020, there were approximately 378 short term rental units currently operating within the City of West Kelowna and 460 short term rental listings (as operators can list the same unit on multiple platforms)<sup>3</sup>. This has decreased since January of 2020 when there were 420 unique rental units and 500 listings (Attachment 3). This decrease could be attributed to a number of factors, including COVID-19. Most short term rental listings in West Kelowna are entire homes (82%) and single detached dwellings (76%). In comparison, there are 471 traditional accommodation units in West Kelowna which includes hotel/motel rooms (158), resort rooms (148) and bed and breakfasts (66)<sup>4</sup>.



**Figure 1 - Short Term Rental Listings in West Kelowna as of July 2020**

### Bylaw Enforcement

Council's Bylaw Enforcement Policy (Attachment 4) directs bylaw enforcement be conducted on a complaint basis and that discretion on a case-by-case basis to evaluate contraventions will be used. In 2018 at Council's direction, the City's Bylaw Department proactively enforced non-permitted short term rentals and were able to initiate an additional 25 proactive investigations over and above the 37 public complaints regarding

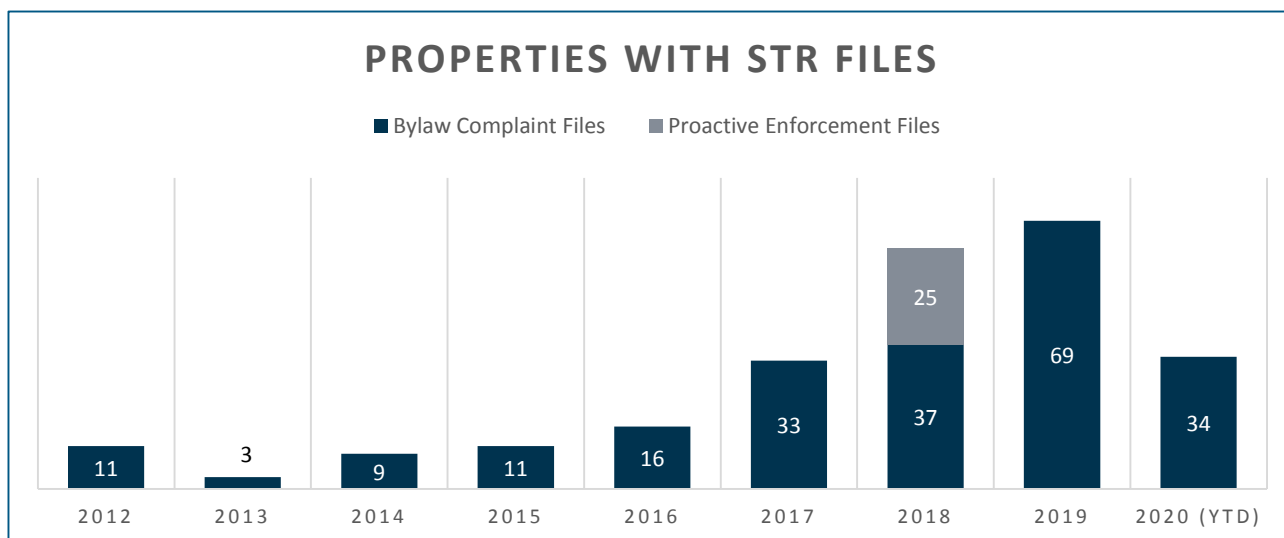
<sup>2</sup> Online Accommodation Platform (OAP) Municipal and Regional District Tax (MRDT) of up to 3% in designated accommodation areas.

<sup>3</sup> STR data provided by Host Compliance, a third party monitoring company which is currently contracted by 10 BC municipalities to assist with STR monitoring and/or enforcement

<sup>4</sup> Traditional accommodation data provided by the City's Economic Development and Tourism Department.

short term rentals. In 2019, the Bylaw Department's proactive priority of short term rentals was discontinued in favour of a more active community safety role in Westbank Centre.

Complaints regarding bylaw infractions from short term rentals have been steadily increasing (Figure 2), in 2020 to date 34 properties have short term rentals bylaw enforcement files, some of which have resulted from multiple complaints.



**Figure 2 - Number of Properties with STR Bylaw Enforcement Files**

Bylaw infractions are continuing and it is reasonable to expect them to continue to increase as the popularity of short term rentals expands. Short term rentals have proven to be challenging, time consuming investigations that create a strain on the current department's capacity. The City's Bylaw Department's current capacity to enforce bylaw infractions does not facilitate proactive enforcement.

### Regional Approach

Many municipalities within the Okanagan region have implemented various regulations and licences which address short term rentals. A Regional Planning Lab, led by the Regional District of Central Okanagan has identified the four Regional Short Term Rental Goals<sup>5</sup>:

1. *Preserve long term rental stock*
2. *Recognize vacation rentals are important to the Central Okanagan*
3. *Explore compliance monitoring partnerships*
4. *Implement consistent safety standards through business licencing*

The following is a brief breakdown of the various approaches to regulating short term rentals through licencing that are being taken regionally.

#### *City of Kelowna<sup>6</sup>*

- Began considering short term rental regulations in 2016

<sup>5</sup> [https://www.regionaldistrict.com/media/257325/Regional\\_Planning\\_2019\\_Winter\\_Bulletin.pdf](https://www.regionaldistrict.com/media/257325/Regional_Planning_2019_Winter_Bulletin.pdf)

<sup>6</sup> <https://www.kelowna.ca/business-services/permits-licences/short-term-rentals>



- Guiding Principles identified and extensive community engagement undertaken
- Short Term Rental Accommodation Business Licence and Regulation Bylaw adopted April 2019
- Short term rentals limited to no more than 6 persons, not permitted in secondary suites or carriage houses
- Business licence fees for short term rentals (\$345 if within a principal residence; \$750 if a non-principal residence)
- Approximately 600 units licenced within the first year of regulations
- Contracted a third party compliance monitor (Host Compliance) to assist with monitoring

#### *Lake Country<sup>7</sup>*

- Began considering short term rentals in 2015
- Zoning Bylaw amendments regarding short term rentals introduced in 2018
- Short term rentals not permitted in carriage houses; Strata properties would require a Temporary Use Permit for a short term rental
- Business licence fees for short term rentals (\$100 with no fee for the first year)
- Estimated only 10% of listed short term rentals have been licenced

#### *Penticton<sup>8</sup>*

- Adopted short term rental regulations in 2010
- Updated short term rental regulations in 2017
- Business licence fees for short term rentals
- Some types of short term rental licences require public notification
- Estimate between 400-570 short term rentals during peak tourism season

#### *Vernon<sup>9</sup>*

- Began considering short term rental regulations in 2019
- Community engagement this spring (2020) to identify issues, concerns, impacts, desires, and needs
- Guiding Principles to be identified and brought to Council for consideration
- Subsequently, draft regulations will be considered

**Table 1 - Summary of Regional Approaches to Short Term Rental Regulations**

<b>Local Government</b>	<b>Business Licence Fee</b>	<b>Maximum Occupancy</b>	<b>Permitted in Secondary Suites</b>	<b>Permitted in Carriage Houses</b>	<b>Third Party Monitoring Contracted</b>
Kelowna	\$345 - \$750	2-3 sleeping units (6 occupants)	No	No	Yes

<sup>7</sup> <https://www.lakecountry.bc.ca/modules/news/index.aspx?newsId=f3952763-8784-4e01-8be3-cc0d46bc70c2>

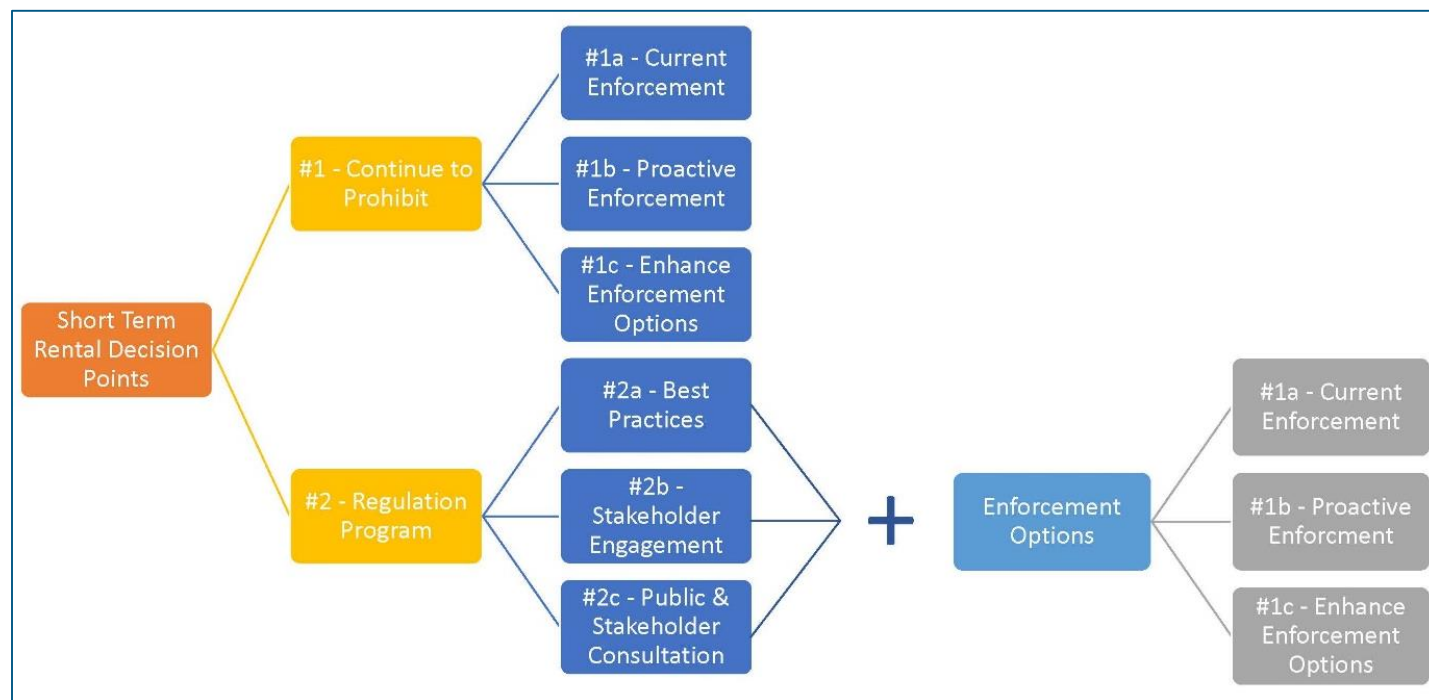
<sup>8</sup> <https://www.penticton.ca/business-building/business-licences/short-term-rentals>

<sup>9</sup> <https://www.vernon.ca/business/business-licences-permits/short-term-rental-regulations>

Lake Country	\$100	4 sleeping units	No	Yes	No
Penticton	\$180 - \$400	6 occupants	Yes	Yes	Yes
Vernon	Short term rental regulations under development				

### Decision Points for Council's Consideration

At this time, staff are seeking Council's preliminary feedback on the following eight decision points to help guide the City's approach to short term rentals in the community. Council could choose to continue to prohibit short term rentals or choose to begin the development of a regulation program for short term rentals. Each of these decision points have a number of options for moving forward, based on Council's direction. Figure 3 below (and *Attachment 5*) provides an overview of the decision point options.



**Figure 3 - Decision Points for Short Term Rentals**

### ***Decision Point #1: Does Council wish to continue to prohibit short term rentals in West Kelowna?***

Council has the ability to prohibit a land use in a specified zone or within all zones in the community. If Council wishes to continue to prohibit short term rentals, staff believe there are three potential options for bylaw enforcement that would have varying degrees of impact on the Bylaw Enforcement Department.

#### ***Decision Point #1(a): Does Council wish to continue with complaint based enforcement?***

Complaint based enforcement, which is currently the approach to addressing short term rentals operating within the City, first requires a complaint to be made from

the public regarding an operating short term rental. Bylaw then follows the following graduating levels of enforcement:

- ✓ Voluntary Compliance - Notification letter to cease non-compliant activity
- ✓ Issuance of a Bylaw Offence Notice Ticket – May be issued daily and can be mailed. \$500 for Prohibited Use.
- ✓ Issuance of a Municipal Ticket – May be issued daily but requires personal service (cannot be mailed). \$500 for Prohibited Use (Provincial legislation sets the maximum penalty at \$1,000).
- ✓ Offence Act Prosecution – Requires issuance of a court summons. Fines can be issued up to a maximum of \$10,000
- ✓ Injunction – Council may pass a resolution to proceed with an injunction application in BC Supreme Court

If Council wishes to maintain the current enforcement process, there would be no additional financial implications or additional staff resources required.

***Decision Point #1(b): Does Council wish to proactively enforce prohibited short term rentals?***

Proactive enforcement would require additional resources within the Bylaw Enforcement Department. The challenges with enforcement would still be present however more files would be actioned than with the complaint based enforcement. In 2018, proactive enforcement files made up 40% of the total number of bylaw enforcement files related to short term rentals. This option would have financial implications in that there may be increased court and legal fees for the additional proactive cases. Additional staff resources would be required to engage in proactive enforcement of short term rentals in addition to the current bylaw priorities.

***Decision Point #1(c): Does Council wish to enhance enforcement options?***

There is a potential to increase the Municipal Ticket fine for a prohibited use from \$500 to \$1,000, which is the maximum under Provincial legislation. This increased fine could apply to all Municipal Tickets for all prohibited uses, not just short term rentals or a new offence could be added specific to short term rentals. Additional offences to the Business Licencing and Regulation Bylaw could also be considered such as offences to advertise, solicit or promote without a valid business licence. This option would have financial implications by increasing the Municipal Ticket Fine amount however no additional staff resources would be required beyond preparing the required bylaw amendments.

***Decision Point #2: Does Council wish to regulate short term rentals?***

Council has the ability to allow a land use within one zone or all zones with or without certain restrictions. If Council wishes to regulate short term rentals, there are a number of options staff could consider in the development of proposed regulations or bylaw amendments, and a variety of factors including desired timeline, desired level of stakeholder and public engagement, and staff resources which would influence the development of a project work plan.



The development of guiding principles for the process of creating a framework to regulate short term rentals should reflect Council's priorities in addressing the various opportunities and challenges that short term rentals present. For example, the City of Kelowna's guiding principles that were developed after an initial public opinion survey were:

- *Ensure short-term rental accommodations do not impact the long-term rental housing supply in a negative way.*
- *Ensure short-term rental accommodations are good neighbours.*
- *Ensure equity among short-term accommodation providers.*

If staff were directed to develop a work plan to develop a regulation program for short term rentals, the following would be considered as a part of this project. In terms of regulating the use of short term rentals, similar regulations that apply to bed and breakfasts could be developed to address short term rentals through zoning and business licencing. These regulations could include further definition of the use of short term rentals, restrictions on the location and unit types permitted (ie. within a principle residence, secondary suite and/or carriage house), outline parking requirements, and establish occupant limits.

Types of licences could be established based on different sizes or operations, restrictions could be placed on the number of licenses in any one area of the City. The cost of licenses for short term rentals could be developed through cost recovery approach for licencing, monitoring and/or enforcement.

If short term rentals are regulated a program to achieve compliance and enforcement should also be considered. This could focus on voluntary compliance through education, awareness and notification or could prioritize proactive enforcement and may involve third-party monitoring. Decision points #1a - #1c can also be applied if Council wishes to regulate short term rentals to provide direction on the desired level of bylaw enforcement to accompany a short term rental regulation program.

There are a number of ways staff could prepare a proposed regulation program for short term rentals for Council to consider, with varying degrees of engagement, timelines and required staff resources. Each of the decision point options outlined below would require staff resources to develop the regulation program for short term rentals which could include changes to all or any of the following Bylaws:

- Zoning Bylaw No. 0154
- Business Licencing and Regulations Bylaw No. 0087
- Fees and Charges Bylaw No. 0028
- Bylaw Dispute Adjudication Bylaw No. 0093
- Municipal Ticket Information Utilization Bylaw No. 0095

The financial implications of regulating short term rentals could include increased business licence revenues, additional funding through taxation for tourism and affordable housing, increased staff resources required for the development of the regulation program, costs associated with monitoring of short term rentals, increased staff resources required for the management of a short term rental regulation program and/or an education and awareness campaign.

***Decision Point #2(a): Does Council wish to rely on best practices for short term rental regulation program development?***

Regulation development based on best practices learned from other municipalities would be able to be accomplished with existing staff resources, however the timeline could be approximately six months based on current staff workloads and priorities such as the #OurWK visioning project. Council should provide staff with guiding principles for the development of a short term rental program and regulations.

Focusing on the local regional approaches taken and an internal referral to City departments, staff would prepare draft regulations for Council's consideration. The initial consideration report would outline specific financial implications for the proposed regulation program. After initial consideration, these proposed regulations and bylaw amendments would be scheduled for a public hearing, and following third reading could be adopted and implemented.

***Decision Point #2(b) – Does Council wish to engage stakeholders prior to short term rental regulation program development?***

Regulation development with some stakeholder engagement early on would be able to be accomplished with existing staff resources, however the timeline could be up to one year. Additional staff resources could reduce this timeline if Council desired this approach to be used with regulations developed within a shorter period of time. Council should provide staff with guiding principles for the development of a short term rental program and regulations.

This proposed process would begin with a detailed review of existing bylaws and policies, in depth comparisons of regional approaches to short term rental regulations and identified enforcement issues. Based on the results of the initial review staff would prepare an information report for Council to provide an update on the proposed approach for short term rental regulations.

Subsequently staff would engage stakeholders through a referral to relevant groups such as Council's Advisory Planning Commission, Economic Development Commission, and Neighbourhood Associations in addition to internal City departments. Once draft regulations have been finalized, Council would receive a report for initial consideration of the proposed regulations. After initial consideration the proposed regulations and bylaw amendments would be scheduled for a public hearing, and following third reading could be adopted and implemented.

***Decision Point #2(c) – Does Council wish to engage in public consultation and stakeholder engagement prior to short term rental regulation program development?***

A more comprehensive engagement process would engage the public and relevant stakeholder groups early on in the process. This proposed process would begin with staff developing a project work plan for proposed public and stakeholder consultation and subsequent regulation development. Staff would prepare a project work plan and bring an information report to Council to provide an update on the proposed process which would include identified methods of engagement. This work plan would also outline a more detailed timeline and the required staff resources for the project, however it is anticipated that this approach could take over one year, depending on available staff resources.

Proposed engagement could include public and stakeholder participation in the form of surveys, online stakeholder meetings or round tables, or a modified (online) open house for public feedback as a few potential examples. Concurrently, a detailed review of existing bylaws and policies, in depth comparisons of regional approaches to short term rental regulations and identified enforcement issues. Guiding principles for the development of proposed short term rental regulations would be identified based on the outcomes of the initial engagement process and initial review. A report would be brought to Council for endorsement of the guiding principles moving forward.

Once the guiding principles have been established a referral will be sent to internal departments and relevant agencies for comments prior to the development of draft regulations. Once draft regulations have been finalized, Council would receive a report for initial consideration of the proposed regulations. After initial consideration the proposed regulations and bylaw amendments would be scheduled for a public hearing, and following third reading could be adopted and implemented.

## **CONCLUSION**

There are a number of decision points, outlined above, for Council to consider regarding short term rentals (*Figure 3 and Attachment 5*). Should Council provide direction to staff regarding continuing to prohibit short term rentals (decision point #1) and options for bylaw enforcement (decision points #1a - #1c), staff will proceed to implement the desired changes. Should Council provide direction to staff regarding regulating short term rentals (decision point #2) and options for regulation program development (decision points #2a – 2c), staff will proceed to develop a work plan based on Council's direction. A regulation program and bylaw amendments will be prepared for Council's consideration.

## COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution No.
September 17, 2019	<b>THAT</b> Council direct staff to investigate and report back to Council regarding Air BnB and short term rentals in West Kelowna within the next 6 months.	<b>C327/19</b>

### REVIEWED BY

Mark Koch, Director of Development Services

### APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

### Attachments:

1. Background information for Delegation to Council on September 17, 2019
2. Zoning Bylaw No. 0154 Excerpts
3. Excerpt of West Kelowna STR Data prepared by Host Compliance, January 2020
4. Council Policy – Bylaw Enforcement
5. Council Decision Points Overview

## Illegal Short Term Rentals in West Kelowna

AirBnBs are specifically prohibited in West Kelowna and yet a search on their site indicates there are over 300 listings. Illegal short term rentals are not a problem unique to West Kelowna, a quick search on the internet will indicate this, here are a few links:

<https://www.vancouverisawesome.com/2019/09/06/violation-tickets-short-term-rentals-airbnb-vancouver-bc/>  
<https://www.cbc.ca/news/canada/newfoundland-labrador/bonavista-airbnb-taxes-1.5276285>  
<https://www.cbc.ca/news/business/biggest-airbnb-hosts-canada-corporations-1.5116103>  
<https://www.thetimes.co.uk/article/airbnb-is-a-monster-that-must-be-tamed-m0tjmxv65> (full article at bottom of this email)  
<https://www.cbc.ca/news/business/marketplace-airbnb-covert-listings-banned-units-1.5066673>  
<https://ottawa.ctvnews.ca/ottawa-s-byward-market-the-epicentre-of-airbnb-says-hotel-association-1.4512470>  
<https://ca.finance.yahoo.com/news/how-marriott-is-declaring-war-on-airbnb-151737523.html>  
  
<https://ottawacitizen.com/news/local-news/video-of-airbnb-homicide-victim-being-shot-multiple-times-circulating-on-snapchat>  
<https://thewalrus.ca/airbnb-versus-everyone/>  
<https://www.cbc.ca/news/canada/toronto/whitchurch-stouffville-fatal-shooting-bloomington-ninth-1.5121288>  
<https://www.cbc.ca/news/canada/toronto/bridle-path-shooting-life-threatening-injuries-man-police-1.5236065>  
<https://toronto.ctvnews.ca/gunpoint-arrests-made-outside-home-listed-on-airbnb-1.4544148>

Kelowna and Vancouver have recently updated their bylaws for short term rentals and much can be learned from their experiences. I have contacted the City of Kelowna and have been advised that a short term rental can be operated in any neighbourhood for 4 months from mid May to mid September without the occupier of the principal dwelling being present, in other words an unsupervised party house. There is a limitation to 6 adults however this could be very difficult for bylaw to enforce. Bylaw officers and local homeowners are extremely upset regarding the updated bylaws and the City of West Kelowna can learn from this. **I spoke recently to a Kelowna Bylaw Officer and her comment was "We have two party houses on our street and the Mayor of Kelowna needs two party houses on his street"**

Vancouver have worked extensively on their short term rental situation and are very transparent regarding their progress on enforcement. Their website updates statistics monthly: <https://vancouver.ca/doing-business/short-term-rentals.aspx> and as of August 30, 2019 there are the following:

- 5,866 active listings in Vancouver
- 4,025 business licences issued for 2019
- 3,373 case files opened
- 1027 licences flagged for investigations and audits
- 642 warning letters written
- 276 legal orders issued
- 660 violation tickets issued
- 203 units identified for inspection
- 116 listings referred to prosecution
- 117 business licences suspended

Cities with much bigger budgets have tried very hard to regulate short term rentals and the most effective tool is increased violation fees. **The ticket in West Kelowna is currently \$500**, below are examples of the violation fees for various cities:

**Kelowna Bylaw No. 11720 – Fines up to \$10,000**

<https://apps.kelowna.ca/CityPage/Docs/PDFs/Bylaws/Short%20Term%20Rental%20Accommodation%20Bylaw%20No.%2011720.pdf>

**Penticton – up to \$10,000** <https://www.penticton.ca/EN/main/departments/building/vacation-rentals.html>

**Victoria – up to \$10,000** <https://www.vicnews.com/news/short-term-rental-market-up-for-changes-april-1-in-victoria/>

**Toronto - up to \$100,000** Section 28 a. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.LS23.1>

**City of Ottawa Bylaw Fine – Up to \$25,000** <https://ottawa.ca/en/business/business-assistance-and-growth/permits-licences-and-permits-laws-and-garbage/laws-businesses/licensing-law-no-2002-189#offences-and-penalties>

<https://ottawasun.com/2016/08/12/landlord-licensing--enforce-existing-rules-first/wcm/55a69481-a4c7-491e-8e06-40d1a57f34a8>

**Maui County up to \$20,000.** [https://www.tripadvisor.ca/ShowTopic-g29220-i86-k12171839-](https://www.tripadvisor.ca/ShowTopic-g29220-i86-k12171839-Maui_cracks_down_on_illegal_rentals-Maui_Hawaii.html)

[Maui cracks down on illegal rentals-Maui Hawaii.html](https://www.tripadvisor.ca/ShowTopic-g29220-i86-k12171839-Maui_cracks_down_on_illegal_rentals-Maui_Hawaii.html)

**Honolulu – up to \$10,000** <https://www.hawaiinewsnow.com/2019/06/18/city-council-poised-approve-tough-new-regulations-vacation-rentals/>

**Miami Beach – up to \$100,000.** <https://www.facebook.com/miamiherald/videos/302141620470985/>

Larger cities have demand for short term rentals 12 months of the year, in West Kelowna most of the demand is for four months from mid May until mid September. This causes additional complications to compliance and violators know that there is only a short window for bylaw to catch them.

Regulating short term rentals is a time consuming and expensive task and it is a bit like playing whack-a-mole. As soon as one is shut down another one shows up and once the city attempts to regulate short term rentals the operator figures out a way around the regulation. West Kelowna does have regulations for Bed & Breakfasts and anyone wanting to earn income from short term rentals has the opportunity to comply with the regulations and open a B&B.

A disturbing trend in West Kelowna is the increase in the number of houses purchased specifically to be operated as ‘party houses.’ Party houses accommodate 8 to 16 occupants, are unsupervised and often include a pool or hot tub and. **Buying party houses specifically for illegal short term rentals has more than doubled the inventory of these houses in the past 3 years alone. These houses are creating havoc all summer long in many neighbourhoods with loud parties, excessive garbage and parking issues.** Rental rates for these types of houses can be \$2,000 a night and more when taxes and fees are added and as the operator is not on site, the number of renters often exceeds the listing occupancy as it reduces the cost per person. These renters typically come from out of town for their stag and bachelorette parties with total disregard for the neighbours.

**This house rents for \$2,000/night and was purchased for \$1,320,000 on March 15, 2018.**

[https://www.airbnb.ca/rooms/22614539?location=West%20Kelowna%2C%20British%20Columbia%2C%20Canada&adults=16&source\\_impression\\_id=p3\\_1564531086\\_ksuHgY88AXaLU7m9&guests=16&sl\\_alternate\\_dates\\_exclusion=true&check\\_in=2020-07-10&check\\_out=2020-07-14](https://www.airbnb.ca/rooms/22614539?location=West%20Kelowna%2C%20British%20Columbia%2C%20Canada&adults=16&source_impression_id=p3_1564531086_ksuHgY88AXaLU7m9&guests=16&sl_alternate_dates_exclusion=true&check_in=2020-07-10&check_out=2020-07-14)

**This house rents out for \$1,300/ night and was purchased for \$2,000,000 on January 11, 2017**

[https://www.airbnb.ca/rooms/18930335?location=West%20Kelowna%2C%20British%20Columbia%2C%20Canada&adults=10&source\\_impression\\_id=p3\\_1565028794\\_pW06hqKw4YSdx%2B4E&guests=10&sl\\_alternate\\_dates\\_exclusion=true&check\\_in=2020-07-14&check\\_out=2020-07-17](https://www.airbnb.ca/rooms/18930335?location=West%20Kelowna%2C%20British%20Columbia%2C%20Canada&adults=10&source_impression_id=p3_1565028794_pW06hqKw4YSdx%2B4E&guests=10&sl_alternate_dates_exclusion=true&check_in=2020-07-14&check_out=2020-07-17)

When to Bylaw Dept. receives a complaint regarding an illegal short term rental and attempts to issue tickets to the operator, many times the operator has coached renters to lie and tell bylaw that they are friends and staying for free. Operators will use every trick in the book to avoid paying violations fees. **Kelowna and Vancouver have added the advertising of illegal short term rentals as violations and can issue tickets without the requirement of attending the house and verifying renters are in occupation.**

Does the City check Bed & Breakfasts annually to ensure they are compliant with the bylaws? It appears many B&Bs that are licensed are offering accommodations for more than 8 people not in a principal residence and no supervision on site. There are B&B listings on the City Directory that it appears do not have a license. AirBnB have 306 listings in West Kelowna and Homes-To-Go have 667 which include multiple listing sites like VRBO, HomeAway, Expedia, Tripadvisor and it is possible some listings may be duplicated. **From research done so far comparing addresses provided by your licensing dept. to actual addresses found on line, it appears that the vast majority of short term rentals are operating illegally.** As the current policy is for bylaw to respond to complaints it is obvious that there are hundreds of illegal short term rentals flying under the wire knowing that the likelihood of getting caught is very small. As these illegal short term rentals are not playing by the rules, it makes it more difficult for those operators that are licensed and complying to compete.

The topic of illegal short term rentals was discussed at a council meeting on September 5, 2017 and it was agreed that the problem needed to be addressed. Has council been able to make any progress in the past 2 years? A recent Castanet article mentioned that the Bylaw Dept. opened files on 62 illegal short term vacation rentals in 2018, can we get an update on the progress they are making in enforcing the bylaws and obtaining compliance with any of these files?

#### **FULL ARTICLE FROM THE TIMES BELOW**

<https://www.thetimes.co.uk/article/airbnb-is-a-monster-that-must-be-tamed-m0tjmxv65>

#### ***Airbnb is a monster that must be tamed: Libby Purves***

*The offer of an airbed and breakfast has grown into a \$31bn beast that threatens to damage local communities*

*It was born 11 years ago in a San Francisco loft and grew to be worth \$31 billion. Its soft tentacles cover the world, invigorating or choking. It isn't the showiest of digital revolutions but a stealthily significant one, challenging the most intimate domestic sphere. Now, from Edinburgh to Oahu and Boston to Bath, communities are waking up and wondering how to control it. It is Airbnb.*

*An old idea was turbocharged by the IT age, when in 2007 young Brian Chesky and Joe Gebbia needed help with their rent, put an airbed in the living room and offered bed and breakfast. We've all done it, usually without charging. But another friend, Nathan Blecharczyk, was a tech wizard. Fancying "a few bucks" extra, they set up a website linking spare-room owners with business or holiday travellers who couldn't find a hotel or needed something cheaper. They branded and professionalised the idea of being a stranger's guest: the sharing economy was born.*

*Fed by bright venture capitalists Airbnb went global. Within three years more than a million nights were booked, rocketing to ten million a year later. Now it has offices in 11 world cities and plans more.*

*Airbnb is basically a harmless, friendly, sensible and economical idea, and savvy business because when it comes to sleeping, people are wary of relating to total strangers — foreign ones at that — but comfortable dealing with a company and a safe payment system. The website still sells itself on basic internationalist mateyness: François of Paris who met a Finnish interior decorator, Silvia and Mateo of London who enjoy guests who "often bring gifts from their country . . . sometimes they invite us to their home town". It is fashionably "woke" about non discrimination and a person's gender being whatever they identify as. But when a sweet little idea collides with a capitalist economy things tend to harden.*

*Despite the company's considerable commission, hosting is a good earner. The second "b" for breakfast soon eroded as people realised they didn't have to be there or feed anyone, but could use lets to pay for their holiday, with the first £1,000 a year tax free because UK law rightly encourages lodgers. Now a vast number of Airbnb properties are "entire House/cottage/apartment" rather than a room with a family. It becomes a self-catering let without paying a hotel's business rate (unless you exceed 140 nights a year and get found out). Crucially it is free from the stringent fire, electrical and safety regulations laid on real hotels and B&Bs.*

*Next, entrepreneurs realised that it needn't be your home at all, just a buy-to-let without the hassle of tenancy agreements. Some "hosts" are actually companies listing multiple properties, raising concern about the hollowing-out of desirable neighbourhoods. From Barcelona to Bath, concern rises about profit-seekers distorting the local housing market, dumping long-term tenants and disrupting the lives of those who stay.*

*In Bath last week councillors complained of their powerlessness against it. From across the world, alongside friendly, happy tales you hear neighbours appalled at suddenly living next to a "party house" where instead of the tolerable racket of occasional festivities perpetrated by familiar neighbours whose names they know, there are months of nonstop loud music, screaming rows, double parking, drug and barbecue smoke. Often small apartments are let to large groups, though Airbnb officially bans it. Some examples are preposterous and rare: one US let advertised as "The Love Shack" seemed to be housing porn shoots.*

*Others are just intensely annoying. One long-term bedsit tenant found that his absentee landlord had cavalierly put the rest of the house on Airbnb, listing personal property like the tenant's washer-dryer and fridge as "amenities". He was unwillingly sharing facilities with a series of messy strangers who let his cat escape and used his towels.*

*A parliamentary committee discussed Airbnb last year; the formal hospitality industry obviously hates it, since in London, Brighton and Bristol it has already swallowed over a quarter of the market in rooms. But there are wider reasons. Gordon Marsden, the chairman, observed: "There is an image that this is a lot of happy, jolly people with a spare room trying to make some pin money . . . That's true, but it's also true that there seem to be systematic attempts to do block booking on blocks of flats." Some are tall blocks. The risks are obvious.*

*Slowly authorities wake up and try to tame the beast. The mayor of Honolulu signed a bill to limit even rentals where the owner lives on site. From San Francisco to Edinburgh research shows that a local increase in Airbnb raises the neighbourhood's rents and house prices. New York has put limits on it, while Japan, Singapore and parts of Spain restrict or ban it. In Greater London you may only do 90 nights without planning permission. Even 90 nights can wreck a neighbour's peace.*

*As the committee said, the UK government is slow to take it seriously. Politicians love to boast about Britain's vibrant attractions, but maybe also it reflects the sentimental unease of an owner-occupier nation, reluctant to tell an Englishman what he can do with his castle. Apart from price inflation and nuisance there is something unhealthy in the idea that, just because a pleasant little scheme grew monstrously profitable, we accept that transients are more valuable than rooted residents. It's not how to build communities.*



**PARCEL COVERAGE** means the percent of the surface area of a parcel that is covered by buildings or structures, measured to the outer surface of the exterior walls.

**PARKING, NON-SURFACE** means parking spaces provided entirely within the principal building or below grade, or a combination thereof. When located below grade, no portion of the parking structure shall extend more than 0.6 m (2.0 ft) above grade.

**PARKING, SURFACE** means parking spaces provided at grade or within an accessory building or structure, or a combination thereof.

**PERSONAL SERVICE ESTABLISHMENT** means premises that provide personal services to an individual which are related to the care and appearance of the body or the cleaning and repair of personal effects. Typical uses include hair salons, tattoo parlours and laundries.

**PRINCIPAL USE, BUILDING OR STRUCTURE** means a use, building or structure in the list of permitted uses in the zones of this bylaw which:

- typically occupies the major or central portion of a parcel;
- is the chief or main use, building, or structure on a parcel; and
- is the primary purpose for which the parcel is used.

**PROCESSED FARM PRODUCTS** means farm products that have been transformed by such means as fermentation, cooking, canning, smoking or drying.

**RECREATIONAL VEHICLE**, means a vehicle intended as a temporary accommodation for travel, vacation, or recreational use and includes travel trailers, motor homes, slide-in campers, chassis-mounted campers and tent trailers. Recreational vehicle also includes personal watercraft, all terrain vehicles, snowmobiles, and boats.

**RECREATION SERVICES, INDOOR** means facilities within an enclosed building used for sports, active recreation and performing and cultural arts. Typical uses include health and fitness facilities, skating rinks, bowling alleys, swimming pools, dance studios and yoga studios.

**RECREATION SERVICES, OUTDOOR** means facilities other than campgrounds which are used for sports and active recreation conducted outdoors. Typical uses include ball fields, soccer fields, go-cart tracks, drive-in theatres, batting cages, miniature golf courses and amusement parks.

**RECYCLING DEPOT** means premises used for the buying, collecting, sorting, and temporary storage of bottles, cans, newspapers and similar household goods for reuse.

**RESORT APARTMENT OR RESORT TOWNHOUSE** means apartments or townhouses that may be occupied for periods less than 30 consecutive days. This use typically includes as accessory uses restaurants, banquet and meeting facilities, recreation facilities and personal service establishments.

**RETAIL, CONVENIENCE** means premises that do not exceed 500 m<sup>2</sup> (5,381.9 ft<sup>2</sup>) in gross floor area, where goods are sold, and services are provided primarily to residents or workers in the immediate area.

**RETAIL, GENERAL** means premises where goods are sold and services are provided and in which exterior seasonal sales and storage areas do not exceed 10% of the gross floor area of the business premises. This use excludes wholesale sales and the sale or repair of heavy agricultural, construction and industrial equipment.

**RETAIL, SERVICE COMMERCIAL** means general retail except that exterior sales and storage areas are not limited and wholesale sales and the sale or repair of heavy agricultural, construction and industrial

**VACATION RENTAL** means the rental of all or part of a dwelling for periods less than 30 days.

**VEHICULAR PARKING AREAS AND STRUCTURES** means premises providing vehicular parking which is not primarily intended for the use of residents, employees, or patrons of premises on the same parcel. Typical uses include surface parking areas and parking structures located above or below grade.

**WAREHOUSE** means premises for the storage and distribution of large quantities of goods and typically includes wholesale sales and accessory office uses.

**WINERY OR CIDERY** means premises licensed under the *Liquor Control and Licensing Act* for the production of wine or other beverages from orchard products and may include as accessory uses office, warehousing, retail sales, tasting and seating areas and restaurants.

**ZONE, AGRICULTURAL** means the A1 Zone and any parcel within a Comprehensive Development Zone on which agricultural use is permitted as the principal use.

**ZONE, COMMERCIAL** means the C1, C2, C3, C4, C5, C6, and C7 Zones and any parcel within a Comprehensive Development Zone on which commercial use is permitted as the principal use.

**ZONE, INDUSTRIAL** means the I1, I2, I3, I4, I5 and I6 Zones and any parcel within a Comprehensive Development Zone on which industrial use is permitted as the principal use.

**ZONE, FOREST RESOURCE** means the F1 Zone.

**ZONE, RESIDENTIAL** means the Single or Duplex Residential Zone and the Multiple Residential Zone.

**ZONE, SINGLE OR DUPLEX RESIDENTIAL** means the RC1, RC2, RC3, RC4, R1, R1M, R1L, RMP, and R2 Zones and any parcel within a Comprehensive Development Zone on which single detached dwellings or duplexes are permitted as the principal use.

Bylaw No. 154.50

**ZONE, MULTIPLE RESIDENTIAL** means the R3, R4, and R5 Zones and any parcel within a Comprehensive Development Zone on which multiple residential buildings are permitted as the principal use.

**ZONE, RURAL** means the RU1, RU2, RU3, RU4 and RU5 Zones.

**ZONE, PARK OR INSTITUTIONAL** means the P1 and P2 Zones and any parcel within a Comprehensive Development Zone on which park or institutional uses are permitted as the principal use.

**ZONE, WATER** means the W1, W2, W3 and W4 Zones.

Bylaw No.  
154.13

# PART 3 – GENERAL REGULATIONS

## 3.1 APPLICATION

- .1 Except as otherwise specified by this Bylaw, Part 3 applies to all zones established under this Bylaw.

## 3.2 PERMITTED USES AND STRUCTURES

- .1 The following uses and structures are permitted in all zones:
- (a) Air or marine navigational aids;
  - (b) Transit stops;
  - (c) Civic plazas;
  - (d) Community garden;
  - (e) Community mailboxes placed by Canada Post;
  - (f) Environmental conservation activities;
  - (g) Highways;
  - (h) Mobile vending;
  - (i) Parks, playgrounds and recreational trails;
  - (j) Public service facilities for community water or sewer systems (including pumphouses and sewage and water treatment plants), community gas distribution systems and similar public service facilities or equipment such as those required for the transmission of electrical power, telephone or television, communication towers and municipal works yards, but not including electrical substations, maintenance buildings or offices;
  - (k) Storage of construction materials on a parcel for which the construction of a building or structure has been authorized by the City, provided all surplus materials are removed within 20 days of final inspection of the building or structure;
  - (l) Temporary construction and project sales offices authorized by building permit as temporary buildings; and
  - (m) The temporary use of a building as a polling station for government elections or referenda, provided that the time period of use does not exceed 60 consecutive days.

## 3.3 PROHIBITED USES AND STRUCTURES

- .1 The following uses are prohibited in every zone:
- (a) Outdoor storage of materials beneath electrical power distribution lines; and
  - (b) Vacation rentals other than bed and breakfast uses, agri-tourism accommodations, and the use of resort apartments and resort townhouses.



### 3.17 BED AND BREAKFAST

- .1 A bed and breakfast shall only be conducted within a principal single detached dwelling.
- .2 An occupant of the single detached dwelling shall be the operator of the bed and breakfast.
- .3 No more than 4 guest rooms are permitted in a bed and breakfast and no more than 8 guests are permitted in a bed and breakfast at any one time.
- .4 Guest rooms shall only be rented for rental periods of less than 1 month.
- .5 A bed and breakfast is permitted to have no more than 1 non-internally illuminated sign to a maximum size of 3000 m<sup>2</sup> (465 in<sup>2</sup>) that is attached to the principal single detached dwelling or located elsewhere on the parcel and a minimum distance of 1.5 m (4.9 ft) from any parcel boundary.
- .6 There shall be no exterior indication that a bed and breakfast is in operation on any parcel, except for permitted signage and required parking.
- .7 A bed and breakfast shall not be permitted without connection to a community sewer system unless:
  - (a) The parcel receives the written approval of a Registered Onsite Wastewater Practitioner (ROWP) for septic disposal capacity.
- .8 A bed and breakfast is not permitted on a parcel that contains a secondary suite or carriage house.

Bylaw No.  
154.11

Bylaw No.  
154.14

### 3.18 AGRICULTURAL WORKER DWELLING

Bylaw No.  
154.62

- .1 Agricultural Worker Dwellings shall only be located on parcels or farm units where all or part of the parcel or farm unit where the agricultural dwelling is located is classified as a farm under the *Assessment Act* and the need for agricultural worker dwellings has been demonstrated to the City through documentation such as:
  - (a) a contract with the Federal government through a migrant worker program such as the Seasonal Agricultural Worker Program or Agricultural Stream Program;
  - (b) farm receipts;
  - (c) previous employment records; and/or
  - (d) a farm plan prepared by a professional agrologist.



- .9 Temporary agricultural worker dwellings in the form of permanent buildings (such as cabins or bunkhouses) or semi-permanent buildings (such as mobile homes) shall not be permitted without connection to a community sewer system unless:
- (a) The parcel receives the written approval of a Registered Onsite Wastewater Practitioner (ROWP) for septic disposal capacity.
- .10 Temporary agricultural worker dwellings in the form of temporary accommodation (such as tents or recreational vehicles) shall provide unrestricted access to screened washrooms, screened showers with warm water, washbasins and a communal kitchen for agricultural workers on the same parcel where the temporary accommodation is located. The minimum number of fixtures provided shall meet either:
- (a) Schedule 2 of the British Columbia *Public Health Act Industrial Camps Regulation*; or
  - (b) the Occupant Calculations provided in "Schedule F Housing Inspection Report, Seasonal Agricultural Worker Program and Agricultural Stream" (with portable toilets included in the calculation).

### 3.20 AGRI-TOURISM ACCOMMODATION

- .1 Agri-tourism accommodation shall only be conducted within a principal single detached dwelling.
- .2 All or part of the parcel on which the agri-tourism accommodation is located shall be classified as a farm under the *Assessment Act*.
- .3 Agri-tourism accommodation shall only be rented for rental periods of less than 1 month.
- .4 The maximum number of agri-tourism accommodation guest rooms is specified in Table 3.9.

Table 3.9 Maximum number of guest rooms.

Bylaw No.  
154.36

Parcel Size	Maximum Number of Guest rooms
Parcels less than 2.0 ha (4.9 ac)	0
Parcels equal to or greater than 2.0 ha (4.9 ac) and less than 7.6 ha (18.8 ac)	4
Parcels greater than 7.6 ha (18.8 ac)	10

- .5 When a bed and breakfast is located on the same parcel as an agri-tourism accommodation, the total number of guest rooms permitted on the parcel is the number specified in Table 3.9.



- .6** Agri-tourist accommodation uses shall be setback a minimum of 30 m (98.4 ft) from adjacent Residential Zones.

Bylaw No.  
154.36

- .7** For parcels equal to or greater than 2.0 ha and less than 7.6 ha the total GFA of guest rooms in an agri-tourism accommodation facility shall not exceed 120 m<sup>2</sup> (1292 ft<sup>2</sup>); a separate or ensuite washroom and common areas are not included as part of the area of guest rooms.

Bylaw No.  
154.36

- .8** For parcels greater than 7.6 ha the total GFA of guest rooms in an agri-tourism accommodation facility shall not exceed 300 m<sup>2</sup> (3230 ft<sup>2</sup>); a separate or ensuite washroom and common areas are not included as part of the area of the guest rooms.

Bylaw No.  
154.36

### 3.21 SITING REGULATIONS AND BUFFERING FROM AGRICULTURAL LAND

#### .1 Siting Regulations

- (a) Principal buildings and structures shall be a minimum distance of 15.0 m (49.2 ft) from land within the Agricultural Zone (A1) or land within the Agricultural Land Reserve (ALR).

Bylaw No.  
154.36

- (b) In a Single or Duplex Residential Zone, the required minimum distance of principal buildings and structures from land within the Agricultural Zone (A1) or land within the Agricultural Land Reserve (ALR) is reduced to 9.0 m (24.6 ft) if a Level 1 buffer is provided and maintained.

#### .2 Measurement of Minimum Distance from Agricultural Land

- (c) The minimum distance from land as specified in 3.21.1 shall be measured as follows:
- .1 From the parcel boundary abutting the A1 Zone or ALR land, whichever is closest to the non-farm use; or
  - .2 For parcels separated from the A1 Zone or ALR by a highway, the highway will form part of the required minimum distance from the boundary of the A1 Zone or ALR land; or
  - .3 For split zoned parcels or parcels located partially within the ALR, from the boundary of the A1 Zone or ALR land, whichever is closest to the non-farm use.

#### .3 Agricultural Buffers

Bylaw No.  
154.36

- (a) A buffer shall be provided and maintained when non-farm buildings and structures are constructed on parcels abutting A1 zoned land or land in the ALR, as specified in Table 3.10 and the specifications below.

Table 4.1 – Required parking spaces.

USE	NUMBER OF REQUIRED PARKING SPACES
<b>RESIDENTIAL AND RESIDENTIAL-RELATED</b>	
Single detached dwelling, modular home, mobile home	2.0 per dwelling unit
Duplex	2.0 per dwelling unit
Secondary suite	1.0 per one bedroom dwelling 2.0 per two or more bedroom dwelling
Carriage house	1.0 per one bedroom dwelling 2.0 per two or more bedroom dwelling or 91 m <sup>2</sup> (979.5 ft <sup>2</sup> ) of gross floor area or greater.
Townhouse	2.0 per dwelling unit
Apartment	
Bachelor or one bedroom	1.0 per dwelling unit
Two + bedroom	1.5 per dwelling unit
Congregate housing	0.5 per guest room
Group home	0.75 per guest room
Bed and breakfast / Agri-tourism accommodation	1.0 per guest room
Home based business	1.0 per employee and 1.0 per client (except a care facility, minor which shall have 1.0 per employee)
Live/work unit	1.0 per unit
Caretaker unit	1.0 per unit
<b>RESIDENTIAL – SPECIFIC REQUIREMENTS FOR WESTBANK CENTRE PLAN AREA ONLY (as defined in the 2011 Westbank Centre Revitalization Plan)</b>	
Apartment or Townhouse	
Bachelor	1.0 per dwelling unit
One bedroom	1.0 per dwelling unit
Two bedroom	1.25 per dwelling unit
Three + bedrooms	1.5 per dwelling unit
<b>AGRICULTURE</b>	
Agriculture, general / intensive	1.5 per 100 m <sup>2</sup> (1,076.4 ft <sup>2</sup> ) GFA for any commercial packaging or processing buildings
Agricultural market / produce stand	2.0 per 100 m <sup>2</sup> (1,076.4 ft <sup>2</sup> ) GFA
Agricultural worker dwelling	1.0 per unit
<b>COMMERCIAL AND INDUSTRIAL</b>	
All uses in a Commercial Zone other than those specifically listed in this table	3.0 per 100 m <sup>2</sup> (1,076.4 ft <sup>2</sup> ) GFA
All uses in an Industrial Zone, other than those specifically listed in this table	1.5 per 100 m <sup>2</sup> (1,076.4 ft <sup>2</sup> ) GFA



# Short-term rentals in West Kelowna as of July, 2020

- Tripadvisor-owned
- Priceline-owned
- Other
- Expedia-owned
- Airbnb

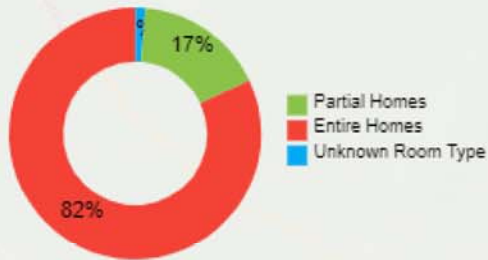
STR Listings

460

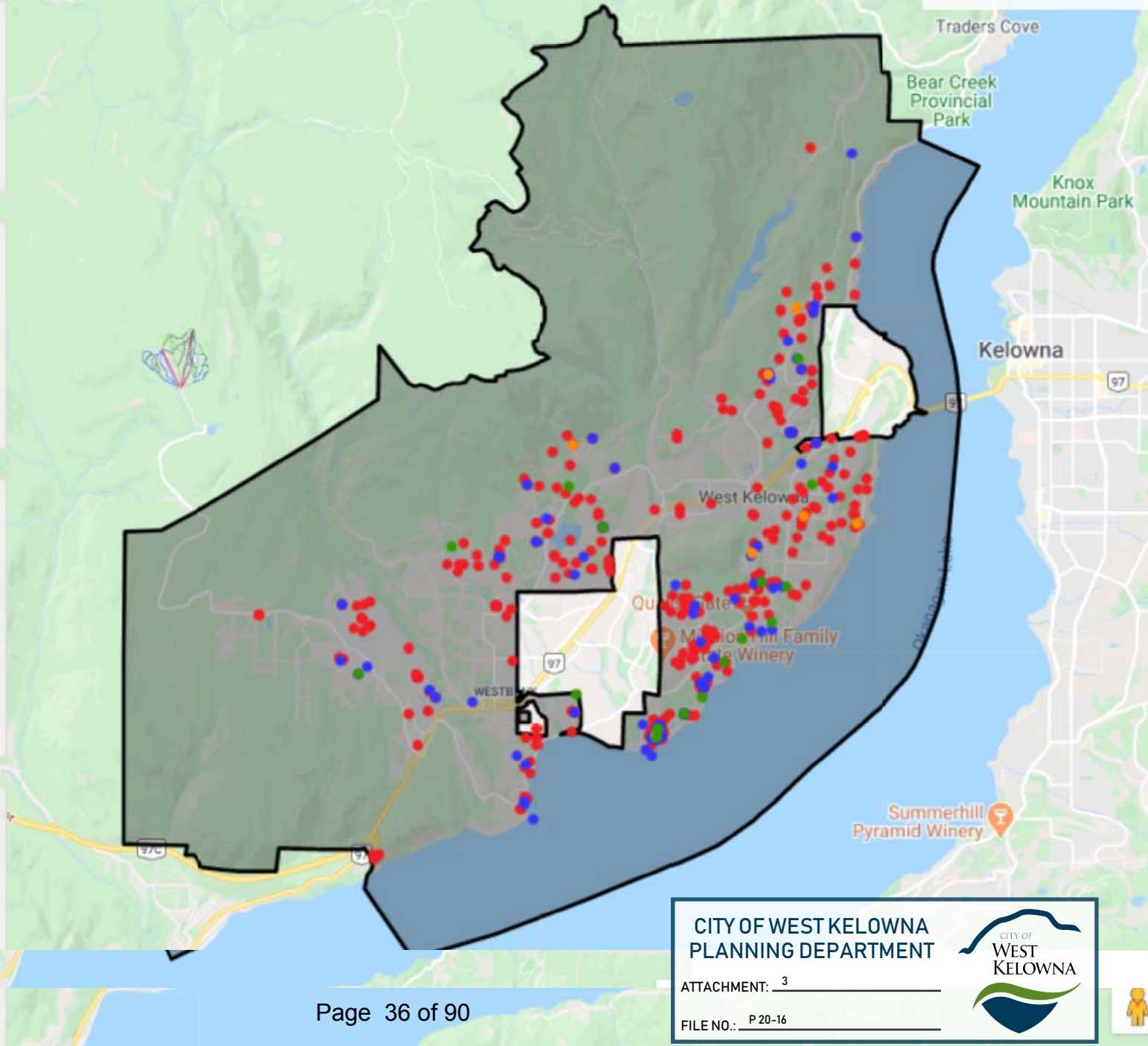
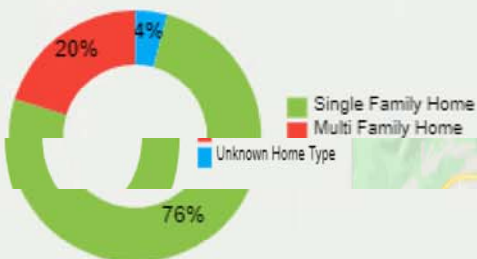
Median Nightly Rate  
(USD)

\$150

Unit Types



Listing Types



CITY OF WEST KELOWNA  
PLANNING DEPARTMENT



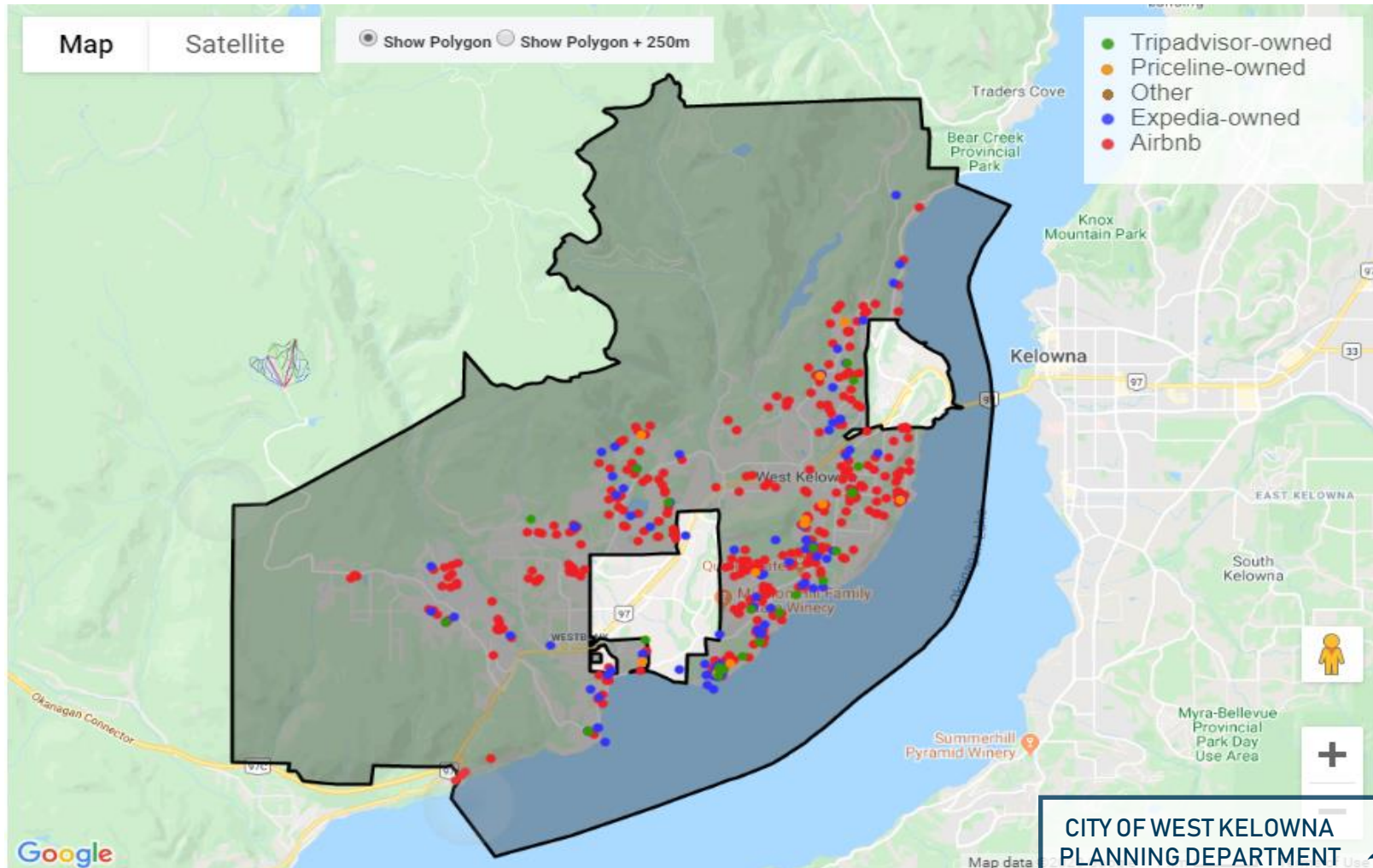
ATTACHMENT: 3

FILE NO.: P 20-16



...and in West Kelowna we have identified 500 listings, representing 420 unique rental units\*

Short-term rentals in West Kelowna as of January, 2020



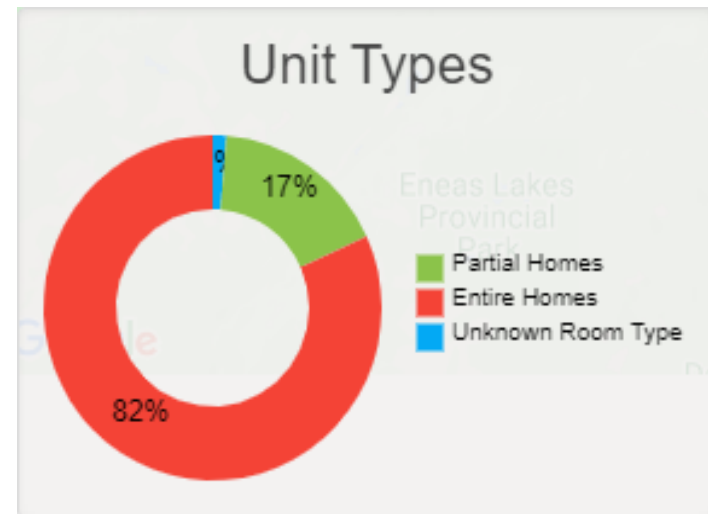
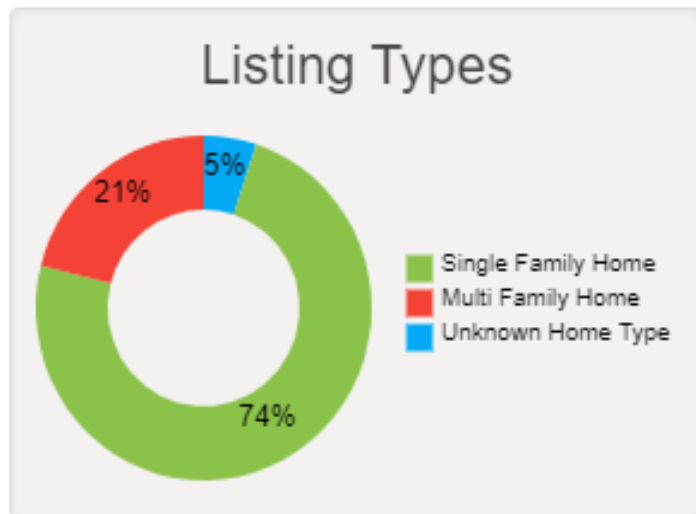
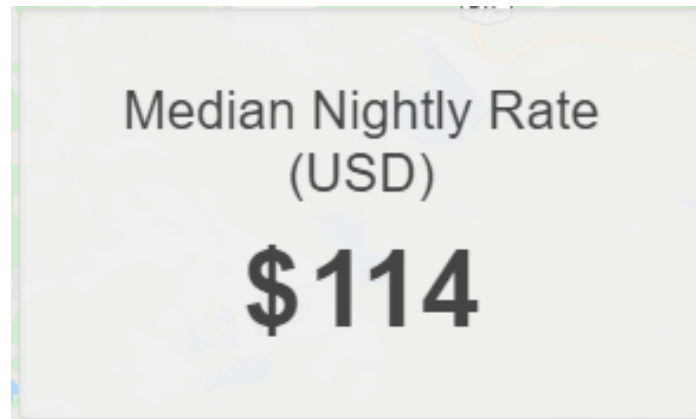
\* Host Compliance's pricing is based on the count of listings and rental units that would not be in compliance. In terms of listings, this number is 500 as we will expand our search area by several hundred yards beyond the border of West Kelowna to capture all relevant listings. Source: Host Compliance Proprietary Data

CITY OF WEST KELOWNA  
PLANNING DEPARTMENT



ATTACHMENT: 3  
FILE NO.: P20-16

# West Kelowna Data Details



# The number of short-term rental listings has grown 10% in West Kelowna over the last year



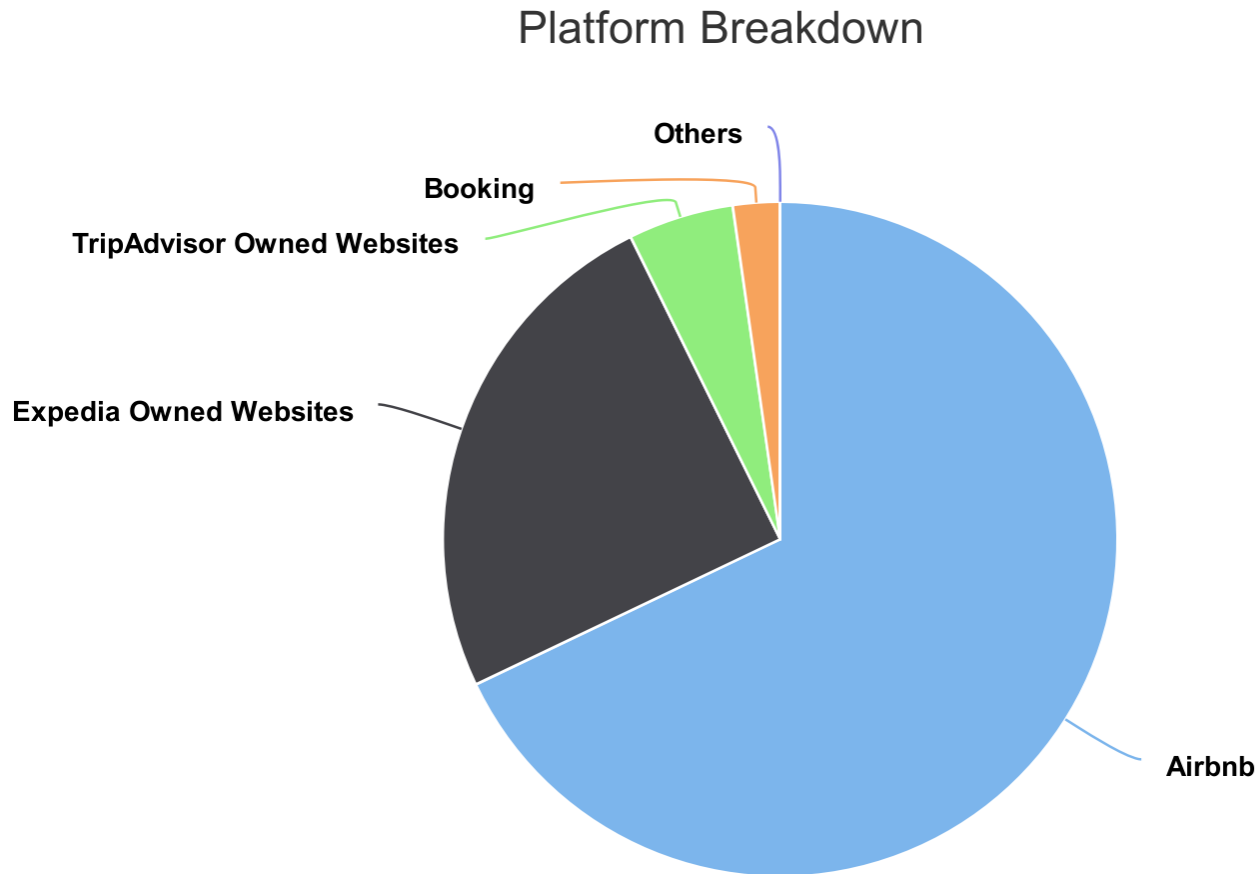
**10%**  
*YoY Listing  
Growth*

Counting only unique rental units, West Kelowna has seen 17% growth since last year



**17%**  
*YoY Rental  
Unit Growth*

# West Kelowna's short-term rental listings are spread across a number of online platforms





# CITY OF WEST KELOWNA

## COUNCIL POLICY MANUAL

Pages: 1 of 4  
Date: April 4, 2017

**SUBJECT: Bylaw Enforcement Policy**

### **Purpose:**

To provide guidance to staff on the receipt of complaints and the initiation of investigation and enforcement proceedings related to contraventions of City bylaws.

The City of West Kelowna cannot take enforcement action with respect to every contravention of a bylaw that may occur within its jurisdiction. The City will use discretion on a case-by-case basis to evaluate contraventions, and take reasonable steps to investigate contraventions in accordance with this policy and operational guidelines of the City.

### **1. Overview**

- 1.1 Bylaw Enforcement statistics, trends, fines, and categories of files including proactive vs. complaint basis files, shall be reported quarterly to Council in conjunction with the Strategic Priorities Quarterly Report.
- 1.2 Reporting statistics shall include, but not be limited to the following:
  - Bylaw Enforcement files opened;
  - New Business Licenses issued/declined;
  - Parking/traffic files opened;
  - Parks files opened;
  - Total tickets issued;
  - The amount of fines issued / collection efficiency;
  - The number of pro-active files and the number of complaint files;
  - Trends in enforcement activity (ie. parking issues, homelessness, graffiti, vandalism, vacation rentals, secondary suites, etc.);
  - Tickets disputed in Court (and the outcomes);
  - Tickets disputed through Bylaw Adjudication (and the outcomes);
  - Number of staff hours spent in Court.
- 1.3 Priority setting for Bylaw Enforcement matters shall be undertaken annually through Council's strategic priority meetings. The priority settings are at Council's discretion, and may identify

enforcement goals for the year, focus on emerging bylaw enforcement trends, identify areas that may require greater proactive enforcement, or prioritize levels of proactive enforcement.

Council members are not involved in day-to-day bylaw enforcement decisions.

1.4 Bylaw Enforcement coverage shall be provided as follows:

May to September - 7:00 a.m. – 6:00 p.m., 7 days/week

October to April - 7:00 a.m. – 4:00 p.m., Monday – Friday

Enforcement matters occurring outside the above-noted coverage times shall be referred to the RCMP.

Additional enforcement coverage during the summer months is provided by seasonal bylaw enforcement officers and may include bike patrols for parks, beaches, and other areas of concern.

2. **General:**

2.1 For the purpose of this policy, a “Bylaw Officer” includes a peace officer, municipal officer, employee, agent, or any other person authorized by Council to enforce City bylaws.

2.2 Although the Bylaw Department operates on a complaint basis, a Bylaw Officer, acting in the regular course of his or her duties, may initiate investigations and conduct inspections to determine compliance with all regulations, prohibitions and requirements of City bylaws. Section 16 of the *Community Charter* allows a Bylaw Officer to enter onto private property for the following purposes:

- (a) To inspect and determine whether all regulations, prohibitions and requirements are being met in relation to any matter for which the Council, a municipal officer or employee or a person authorized by the Council has exercised authority under this or another Act to regulate, prohibit and impose requirements;
- (b) To take action authorized under section 17(1) [*municipal action at defaulter’s expense*];
- (c) In relation to section 18 [authority to discontinue providing a service], to disconnect or remove the system or works of the service;
- (d) To assess or inspect in relation to the exercise of authority under section 8 (3) (c) [*spheres of authority – trees*].

2.3 Investigations may be initiated in person, by written complaint (e-mail or letter), or by phone. A complaint with respect to an alleged contravention of a municipal bylaw must provide:

- a) The name, address and contact information of the complainant;
- b) A description of the nature and location of the alleged contravention.

2.4 Complaints will be investigated on a priority basis and will be based on the following criteria:

- Health, safety, and security of the public;
- Damage to the environment;
- The impact of the violation on the community;
- The impact of the violation on the complainant;
- The nature of the complaint and the allegation (ie. repeat offence).

2.5 All complaints will be acknowledged within 48 hours and shall be placed in priority sequence for additional follow-up.

- Details of the complaint will be recorded and assigned to a Bylaw Enforcement Officer for follow-up;
- The Investigating Officer will review the file details and determine an appropriate priority response;
- Depending on the nature of the complaint, the Investigating Officer may contact the complainant for additional detail and may provide expected timelines for the complaint to be addressed or provide reasons why the complaint will not be investigated;
- Not all types of complaints necessitate that an Officer contact the complainant to advise of the file outcome.

2.6 Complaints that are frivolous or become repeat complaints, will be referred to the CAO for a determination on the outcome and the complainant will be notified in writing on the reason for imposing the outcome.

### 3. **Confidentiality:**

- 3.1 The identity of a complainant is confidential and will not be disclosed to anyone for any purpose, except as required by law, and in accordance with the following provisions:
- a) The complainant's identity shall not be disclosed to the person under investigation or any member of the public;
  - b) Bylaw enforcement investigations may not necessarily be discussed with a complainant subsequent to the initial submission of a complaint.
  - c) Where a person submits a request pursuant to the *Freedom of Information and Protection of Privacy Act* for the disclosure of personal information contained in a bylaw enforcement file, it shall be the City's policy to release the records in accordance with the *Freedom of Information and Protection of Privacy Act*.
  - d) Despite the foregoing, the City shall not guarantee the anonymity and confidentiality of complainants and may disclose personal information in bylaw enforcement files in the following circumstances:
    - i. If disclosure is required pursuant to the provisions of the *Freedom of Information and Protection of Privacy Act*;
    - ii. As otherwise required by law.

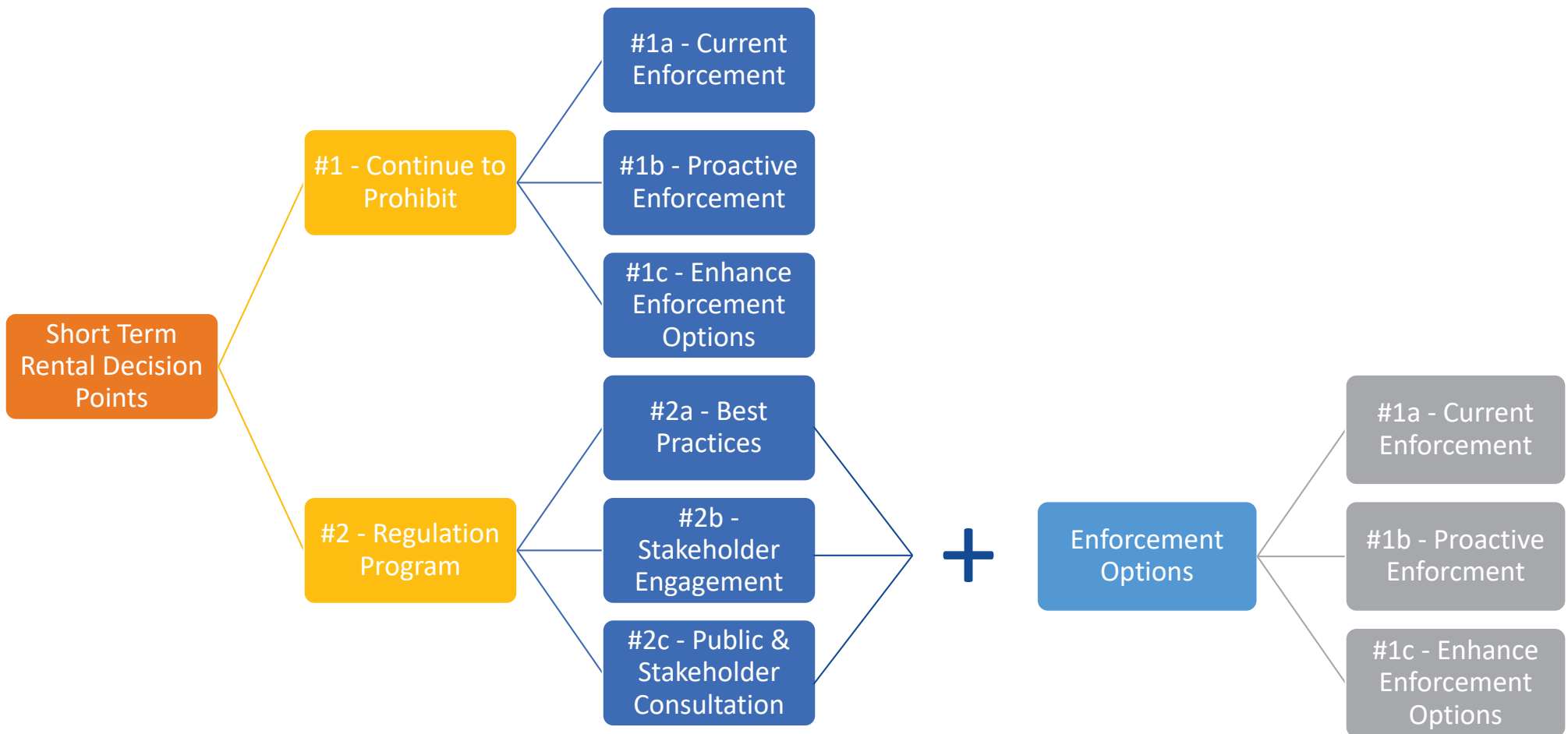
### 4. **Enforcement:**

- 4.1 In determining whether to commence enforcement proceedings, the City may consider one or more of the following criteria:
- a) The scale, nature, and duration of the contravention;
  - b) The amount of time that has lapsed since the contravention occurred;
  - c) The impact of the contravention on the community;
  - d) The resources available to resolve the matter;
  - e) The costs associated with enforcement action;
  - f) The probability of a successful outcome;
  - g) The policy implications of the enforcement action and the potential for precedents;
  - h) Whether public safety is at risk;
  - i) Whether enforcement may be a deterrent in future cases.
- 4.2 The City's primary enforcement objective shall be to obtain voluntary compliance.



- 4.3 If voluntary compliance is not achieved, the City may exercise enforcement powers in accordance with the following remedies:
- a) The issuance of an Order to Comply;
  - b) The issuance of a Municipal Ticket or Bylaw Offence Notice;
  - c) Quasi-criminal proceedings in Provincial Court, including prosecutions under the *Offence Act*, and any other remedy as set out in Section 260 of the *Community Charter*;
  - d) Supreme Court injunction proceedings as set out in Section 274 of the *Community Charter*;
  - e) Remedial action and any other remedy as set out in Part 3, Divisions 5-12 of the *Community Charter*, and the City may further seek to fulfill those requirements at the expense of the person in contravention, in accordance with the provisions of Section 17 of the *Community Charter*.
- 4.4 The City retains the discretion to not commence enforcement proceedings in accordance with one or more of the criteria listed in Section 4.1 of this policy.
- 4.5 The Bylaw Officer shall maintain a written record of inspections and investigations undertaken and record the disposition of all complaints received.

# Council Decision Points Overview – Short Term Rentals (P20-16)





## COUNCIL REPORT

To: Paul Gipps, CAO

Date: September 29, 2020

From: Chris Oliver, Planner III

File No: Z 20-09

Subject: **Z 20-09, Multi-Tenant Cannabis Review, Zoning Amendment Bylaw No. 0154.93**

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### MOTIONS FOR CONSIDERATION

Option 1 (Amend Bylaw):

**THAT** Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.93, 2020; and

**THAT** Council direct staff to schedule a public hearing for the proposed Zoning Amendment Bylaw.

**OR**

Option 2 (No Amendments):

**THAT** Council not proceed with the proposed City of West Kelowna Zoning Amendment Bylaw No. 0154.93.

**OR**

Option 3 (Postpone):

**THAT** Council postpone consideration of City of West Kelowna Zoning Amendment Bylaw No.0154.93.

### STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity (Strategic Plan Priorities 2020-2022)

### BACKGROUND

#### Legislative Requirements

Council has the authority under Part 14 (s.479) of the *Local Government Act* to create and amend its Zoning Bylaw.

#### History

In 2014, as part of an amendment to the recently adopted Zoning Bylaw No. 0154, Council adopted a limitation to not permit Commercial Medical Marihuana Production in multi-tenant buildings as well as buffering requirements. Since the adoption, the associated

terminology and definitions associated with Commercial Medical Marijuana Production uses have been updated in 2017 and most recently in 2018 to update the language in the bylaw in advance of legalization to reflect the forthcoming *Cannabis Act*. While terminology and licensing names have changed, the multi-tenant regulation and buffering requirements have been consistent since 2014.

As part of a recent consideration of a rezoning proposal (Z 20-01), Council identified that a stand-alone review of the multi-tenant cannabis production regulation in the Zoning Bylaw was warranted. This report provides an overview of the City's cannabis production regulations, Health Canada requirements, and comparative research from neighbouring jurisdictions.

## **POLICY AND BYLAW REVIEW**

### Zoning Bylaw Requirements

The Light Industrial Zone (I1) is the only zone that explicitly permits Cannabis Production Facilities, however, as of 2013 the Agricultural Land Commission (ALC) has determined that all forms of cannabis production are a "farm use". Following the ALC's determination, local governments may regulate, but not prohibit cannabis production. The ALC outlines their own requirements for cannabis production facilities and the multi-tenant production requirement would apply to properties in the Agricultural Land Reserve as well as those in the Light Industrial Zone (I1).

Cannabis Production Facilities are defined in the Zoning Bylaw as:

**CANNABIS PRODUCTION FACILITY** means premises used for cannabis production, including premises used for cannabis production by a licensed producer under Part 1 of the Federal Regulations and premises used for cannabis production by one or more persons under one or more registrations under Part 2 of the Federal Regulations, but not including residential premises used for the production, processing or storage of cannabis for the medicinal use of a resident of the premises under a registration under Part 2 of the Federal Regulations.

In addition to the definition, the Zoning Bylaw also regulates Cannabis Production Facilities in the General Regulation section as follows:

3.3.8 Except as expressly permitted by this bylaw, cannabis production facilities are prohibited in buildings with multiple occupancies unless all of the occupancies in the building are cannabis production facilities.

3.25.1 Cannabis production facilities shall be sited a minimum distance of 150 m (492 ft) from an abutting:

- (a) zone that permits dwellings as a principal use; and
- (b) P zone

3.25.2 Cannabis production facilities shall comply with, at a minimum, the air filtration and security requirements set out in Part 1 of the Federal Regulations. Following the direction provided by Council, S.3.3.8 is the only regulation that is being reviewed as part of the proposed amendments.

#### Good Neighbour Bylaw (Noise)

The City's Good Neighbour Bylaw does include regulations regarding noise. In general, the intent of the Bylaw is not to limit the operation of businesses in industrial or agricultural areas when the noise is typical of the industry it is associated with. Noise from mechanical systems or air conditioners would be considered in accordance with the following exemption of the Good Neighbour Bylaw (s7.4(d)):

"lawfully carrying on a trade or industry at a commercial, industrial or light industrial zoned area, provided that the sound or noise therefrom does not exceed the sound or noise common to such trade or industry where carried out in accordance with generally accepted industry standards using equipment and facilities in good operating order".

#### Health Canada Requirements

The *Cannabis Act* and its Regulations provide, among other things, the framework for legal access to cannabis and control and regulate its production, distribution, and sale.

The oversight of the cannabis supply chain is a shared responsibility across federal and provincial and territorial governments, municipalities, industry, and other stakeholders. One of Health Canada's responsibilities is to provide the licensing and oversight framework for the legal production of cannabis. Under this framework, a person is required to obtain a licence issued by Health Canada in order to conduct various activities with cannabis. Applicants and licence holders are responsible for compliance with the *Cannabis Act* and its Regulations as well as compliance with other applicable federal, provincial and territorial legislation and municipal bylaws.

Part 5 of the Cannabis Regulations addresses the Good Production Practice (GPP) requirements that are designed to help ensure that cannabis meets quality standards appropriate to its intended use. These standards and other requirements are backed by rigorous compliance and enforcement measures by Health Canada, including unannounced inspections where inspectors verify adherence to the regulations. The GPP requirements regulate various aspects of cannabis production and include specific requirements regarding air filtration:

- Filter air to prevent the escape of cannabis odours associated with cannabis plant material to the outdoors.
- Provide natural or mechanical ventilation with sufficient air exchange to provide clean air and to remove unclean air in order to prevent the contamination of the cannabis or thing that will be used as an ingredient, except in the case of any building or part of a building where the only activities being conducted in respect

of cannabis and anything that will be used as an ingredient are its cultivation, propagation or harvesting.

- Be accessible and, if necessary for its cleaning, maintenance or inspection, be disassembled, except in the case of any building or part of a building where the only activities being conducted in respect of anything that will be used as an ingredient are its cultivation, propagation or harvesting;
- Withstand repeated cleaning, except in the case of any building or part of a building where the only activities being conducted in respect of anything that will be used as an ingredient are its cultivation, propagation or harvesting;
- Function in accordance with its intended use, except in the case of any building or part of a building where the only activities being conducted in respect of anything that will be used as an ingredient are its cultivation, propagation or harvesting; and
- Must keep records demonstrating compliance of these requirements, examples included:
  - Records of installation;
  - Maintenance and service of the ventilation and filtration systems; and
  - Replacements of filters.

The City has included specific references in the Zoning Bylaw to reaffirm the Federal regulations for odour mitigation. As part of the layered approach to ensuring these requirements are met, staff ensures these requirements are met through Building Permit and Business Licensing requirements.

#### Health Canada Compliance and Enforcement Policy for the *Cannabis Act*

The Health Canada Compliance and Enforcement Policy for the *Cannabis Act* is intended to help regulated parties comply with the:

- *Cannabis Act*
- Cannabis Regulations
- Applicable administrative policies

Health Canada monitors the activities of regulated parties to verify they are complying with the Act and its Regulations and to prevent non-compliance. Compliance monitoring includes gathering and analyzing information, carrying out compliance verification activities, and collaborating with other regulatory agencies as appropriate.

Health Canada uses information from internal and external sources to identify possible risks to public health and public safety. When Health Canada identifies a product or activity that may not be compliant with the Act or its Regulations, it applies the guiding principles in this policy, including using a targeted, outcomes-focused, and evidence-based approach to assess whether there is non-compliance. External sources may include consumers, a company within a supply chain, and federal, provincial, territorial, and international partners.

When non-compliance is identified, there are a number of options to support achieving compliance. These options are generally categorized into two categories: voluntary measures and enforcement actions initiated by Health Canada to address non-

compliance or to address an issue of public health, depending on the circumstances. These include:

1. Issuing warning letters to non-compliant regulated parties
2. Issuing public advisories or other forms of risk communication
3. Seizure and detention
4. Refusing, suspending or revoking an authorization, including a license or permit
5. Issuing administrative monetary penalties up to \$1 million
6. Issuing a ministerial order to recall products from the market, conduct tests or studies, produce information or documents, or take other measures

### Comparative Research

As part of reviewing the multi-tenant regulation in the Zoning Bylaw, eight other jurisdictions in the Okanagan were reviewed to determine if including a limitation to not allow cannabis production in a multi-tenant building was common. A summary of the finding is included in Table 1:

**TABLE 1: Okanagan Cannabis Regulation Review**

<b>Municipality</b>	<b>Regulate Multi-tenant Cannabis Production?</b>	<b>Reference odour regulations?</b>	<b>Only permitted in Agricultural and Industrial Zones?</b>
West Kelowna	YES	YES	YES
Peachland	YES*	YES	YES
Vernon	NO	YES	YES
RDCO	NO	YES	YES
Lake Country	NO	NO	YES
Kelowna	NO	NO	YES
Summerland	NO	NO	YES
Penticton	NO	NO	YES

\*Only one license is permitted per lot.

Despite there being similarities between some of the regulations regarding cannabis production, West Kelowna and Peachland are the only jurisdictions who currently have or are proposing to include a regulation that limits the ability to have cannabis production in multi-tenant buildings.

## **DISCUSSION**

### **Option 1 – Amendment to the Bylaw**

There are many multi-tenant industrial buildings in West Kelowna where owners or tenants may be able to benefit from having the ability to have a Cannabis Production Facility among a variety of other tenants. By giving first and second reading of the Amendment Bylaw and advancing the application to a public hearing, input and perspectives would be gathered.

Part of the consideration for removing the multi-tenant cannabis production regulation would also be the potential for additional complaints to the City's Bylaw Enforcement Department. Regulating complaints regarding these types of facilities would also likely involve working with Health Canada to gain compliance regarding production related concerns.

### **Option 2 – No Amendments**

The Zoning Bylaw regulation to prohibit a Cannabis Production Facility in multi-tenant buildings was intended to protect the interest of and eliminate potential impacts to existing tenants (e.g., having a cannabis production facility use move into an existing building with established tenants). The concern surrounding infill type cannabis production facilities in multi-tenant buildings was raised by the public as part of the initial development of the cannabis regulations. Part of the concern surrounding cannabis production in multi-tenant Light Industrial Zoned (I1) properties is that the City's I1 Zone permits a variety of uses which may not be typically perceived as light industrial type uses including:

- Food bank
- Offices
- Recreation services, indoor
- Resturant
- Veterinary clinics
- Fire, police or ambulance services

While Health Canada regulates all aspects of cannabis production through their licensing, by removing the existing regulation, tenants in existing multi-tenant buildings may be impacted if activities related to the use are not appropriately controlled (e.g., odour).

### **Option 3 – Postpone Consideration**

The City's Zoning Bylaw includes a variety of regulations related to Cannabis Production Facilities. Should Council choose to consider Option 3, they would have the ability to consider amendments regarding Cannabis Production Facilities in a comprehensive manner as part of future amendments to the Zoning Bylaw. A review of the cannabis production regulations was identified as being necessary 18-24 months after the adoption of the June, 2018 Zoning Bylaw amendments.

### **REVIEWED BY**

Brent Magnan, Planning Manager

Mark Koch, Director of Development Services

### **APPROVED FOR THE AGENDA BY**

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

### **Attachments:**

1. City of West Kelowna Zoning Amendment Bylaw No. 0154.93, 2020
2. Redline version of Zoning Amendment Bylaw No. 0154.93, 2020



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**CITY OF WEST KELOWNA**

**BYLAW NO. 0154.93**

**A BYLAW TO AMEND "ZONING BYLAW NO. 0154"**

---

WHEREAS the Council of the City of West Kelowna desires to amend "CITY OF WEST KELOWNA ZONING BYLAW NO. 0154" under the provisions of the *Local Government Act*.

THEREFORE BE IT RESOLVED that the Council of the City of West Kelowna, in open meeting assembled, hereby enacts as follows:

1. Title

This Bylaw may be cited as "CITY OF WEST KELOWNA ZONING AMENDMENT BYLAW NO. 0154.93, 2020".

2. Amendments

"Zoning Bylaw No. 0154" is hereby amended as follows:

2.1 By deleting Part 3.3.8 in its entirety.

READ A FIRST TIME AND SECOND TIME THIS \_\_\_\_\_, 2020  
PUBLIC HEARING HELD THIS \_\_\_\_\_, 2020  
READ A THIRD TIME AND ADOPTED THIS \_\_\_\_\_, 2020

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

# PART 3 – GENERAL REGULATIONS

## 3.3 PROHIBITED USES AND STRUCTURES

- .7 Cannabis production facilities are prohibited on every parcel except in zones that expressly permit that use.
- ~~.8 Except as expressly permitted by this bylaw, cannabis production facilities are prohibited in buildings with multiple occupancies unless all of the occupancies in the building are cannabis production facilities.~~
- .9 Cannabis sales facilities are prohibited on every parcel, and for certainty, where the distribution of cannabis is permitted, distribution must not be by retail sale to customers at the premises.



## COUNCIL REPORT

To: Paul Gipps, CAO

Date: September 29, 2020

From: Stirling Scory, Planner II – Long Range

File No: P 20-02

Subject: **P 20-02, Proposed Park Land Acceptance Policy**

---

### RECOMMENDATION

**THAT** Council adopt the “Park Land Acceptance Policy” dated September 29, 2020.

### STRATEGIC AREA(S) OF FOCUS

Invest in Infrastructure – We will invest in annual capital programs that maintain core assets, extend sidewalk and active transportation networks, improve roadways, provide parks and recreation opportunities, and support numerous other infrastructure needs.

### BACKGROUND

Council has inquired into the rationale behind the acquisition and maintenance of some existing City parks, their benefit, and the cost to tax payers. Council has also inquired into the rationale behind the acceptance and process by which the City has accepted remnant lands. The purpose of the *Policy* is to outline clear criteria and a consistent process that may be applied when reviewing park land proposals and remnant land management during the development application process. A copy of the *Policy* has been appended (*Attachment 1*) to this report.

### DISCUSSION

#### Park Land Acceptance

Despite being able to identify what park land may be suitable, as defined in the Parks Master Plan, there are instances where determining the overall value of the proposed park land can be complex; the proposed park lands may have undesirable features, including geophysical hazards, steep or rocky slopes, exposed cliffs, potentially dangerous wildlife, or lack of accessibility. These factors all affect the operational impacts and whether these lands should be considered is not always clear. The intent of the *Policy* is to provide greater clarity on the criteria to be considered for park land acceptance, and to provide a process by which staff may review park land proposals that do not always

meet the standard acceptance criteria. The *Policy* will serve as a helpful guide when reviewing park land proposals to continue to ensure we accept quality park lands moving forward.

#### Policy Highlights – specific to park land:

- Describes the legislative authority and the circumstances for when park land may be accepted;
- Provides a definition for “park land”;
- Provides criteria acceptable for park land acceptance, such as:
  - It meets the general intent, policies, and objectives of the OCP and Parks Master Plan (PMP), and other relevant bylaws or policies;
  - It meets the specified requirements identified in the OCP and PMP with respect to community need, location, size, type, and potential use; and
  - Be of low risk, hazard, or liability to the City.
- Provides special criteria that may be considered, where the proposed park land does not meet the core criteria of the *Policy*, but may still be considered for park land acceptance, such as:
  - It provides social, recreational, cultural, historical, economic, geographic, topographic, visual, or environmental significance to the community;
  - It is not officially recognized as a park, but should be recognized as such under the *Policy*.
- Provides criteria to be considered with respect to access and right-of-ways;
- Requires that risk and liability considerations be taken through the requirement of professional reports and studies prior to acceptance;
- Allows at any time that an applicant may request that Council reconsider the decision made by staff under the *Policy*. (Enables reconsideration of a staff decision by Council); and
- The following are examples of some of the criteria that are to be considered with respect to park land acceptance in the *Policy*:



Figure 1 - Open/Green Space

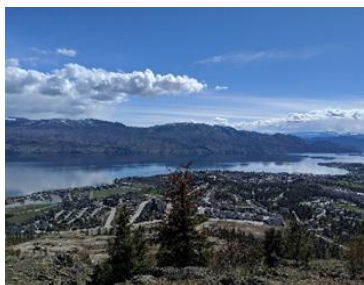


Figure 2 - Viewpoints



Figure 3 - Greenway Connections

## Remnant Land Management

Remnant lands are typically created through the subdivision process, though they may also be created through zoning amendment (rezoning) applications. Remnant lands are typically remaining land parcels that have been left undeveloped, and in some cases inaccessible because of their topographic, geophysical hazard or environmental constraints during the development process. Remnant lands are recognized and their value and community benefit are understood; however, where remnant lands have limited opportunities for development, use, and access as intended in the Official Community Plan and Parks Master Plan, these lands have significantly reduced value, and potential risk and liability. It is the intent of the *Policy* to provide a clear and consistent process by which staff and Council may manage remnant land to ensure that they remain privately held. Understanding that these lands may have the potential to provide community benefit, the *Policy* allows for the consideration of the acceptance of these lands, though only where they meet the criteria of the *Policy*. The policy serves as a guide for staff in their ability to review subdivision applications and a process by which they may manage any remnant land parcels.

Policy Highlights – specific to remnant land:

- Provides a definition for “remnant land”;
- Remnant lands will generally not be considered as park land for dedication purposes;
- Provides option for remnant lands to be considered for park land dedication, where there is significant social, cultural, historic values and adherence to master planning objectives;
- All remnant lands shall be attached to or remain part of the abutting parcel to ensure they remain privately held;
- All remnant lands shall be designated as lands unsuitable for future development through either OCP land use designation or land use approval process (zoning/subdivision); and
- All remnant lands shall be protected to limit future land use subject to existing hazards.

## External Feedback

The *Policy* was referred to the Home Builders Association and Urban Development Institute in April, 2020. The Home Builders Association did not provide feedback. The Urban Development Institute initially provided a response including comments on the inclusion of land use designation requirements for remnant lands, a request for improved clarity on the intent and legislative authority of the City, and if there were possibilities in which the City would consider taking remnant land as park land. In response, the *Policy* was revised and provided to the UDI for further comments. The UDI sent a letter of support for the revised policy in August, 2020. A copy of the letter of support is appended (*Attachment 2*) to this report.

## **FINANCIAL IMPLICATIONS**

The *Policy* intends to reduce the acquisition of remnant lands which carry long-term liability and cost for the City. It is not anticipated that there will be additional expenses for the review and acceptance of park lands. In the long-term, Council should anticipate additional budgetary requirements to meet staff capacity demands and servicing requirements as we continue to grow as a community and develop parks and trails. The provision of park land is a recognized priority of Council, and as such should be considered fundamental to the long-term growth and development of the City. Furthermore, there may be opportunities to hold park lands in reserve until it is required that these lands be improved, serviced and operated when there is a population to use them efficiently.

## **CONCLUSION**

The *Policy* intends to reduce the acquisition of park land that does not meet the criteria determined to be acceptable by the *Policy* and remnant lands which carry long-term liability and costs. Additionally, the *Policy* should improve clarity and consistency with respect to the review and decision process for the acceptance of park land, and the review and management of remnant lands. Should Council adopt the *Policy*, staff, Council, and the public will be provided with a tool that may guide future land use decisions with respect to park land acceptance and remnant management which is vital to the future development of West Kelowna. The adoption of the *Policy* also fulfills Council's Strategic Area of Focus – Invest in Infrastructure.

## **Alternate Motion:**

**THAT** Council postpone adoption of the Park Land Acceptance Policy.

Should Council wish to postpone adoption of the policy, it is requested that Council provide specific direction and feedback as to which changes should be made to the policy amendment(s) prior to reconsideration.

## **REVIEWED BY**

Brent Magnan, Planning Manager

Stacey Harding, Parks and Fleet Operations Manager

Bob Dargatz, Development Engineering Manager

Mark Koch, Director of Development Services

**APPROVED FOR THE AGENDA BY**

Paul Gipps, CAO

PowerPoint: Yes ☒ No ☐

**Attachments:**

1. Park Land Acceptance Policy
2. Urban Development Institute Final Letter – Letter of Support



# CITY OF WEST KELOWNA

## COUNCIL POLICY MANUAL

Pages: 1 of 4

Approving Date: September 29, 2020

**SUBJECT: PARK LAND ACCEPTANCE POLICY**

### 1. **Purpose:**

- 1.1. To establish and consistently apply criteria for the acceptance of park land that may be acquired through the subdivision, zoning bylaw amendment (rezoning), or land donation processes.
- 1.2. To establish and consistently apply criteria to manage remnant land in ensuring these lands remain in private ownership.

### 2. **Legislative Authority:**

- 2.1. **Park Land Acceptance:** As per the *Local Government Act*, the City of West Kelowna has authority to obtain park land or cash-in-lieu of park land dedication through the subdivision process, where the amount and location are considered acceptable. Council may also acquire park land through the discretionary zoning amendment process. Additionally, a person may choose to donate land to the City.

### 3. **Definitions:**

- 3.1. **"Park Land"** means a parcel of land that may be designated or classified as park, as referenced in the City of West Kelowna Official Community Plan or the Parks Master Plan.
- 3.2. **"Remnant Land"** means land that has not been developed through the development process because it was identified as undevelopable, unusable, or undesirable due to the presence of certain topographic, geologic, geographic, or environmental features and associated liabilities. Remnant land may also include lands that abut Crown land, and/or land that is not accessible via a road right-of-way.

### 4. **Park Land Acceptance Criteria:**

- 4.1. The City will consider park land dedication in accordance with the *Local Government Act*.
- 4.2. The City may consider acceptance of park land subject to where the proposed park land can:



- (a) Meet the general intent, policies, and objectives of the Official Community Plan and Parks Master Plan, and any other bylaws or policies that are relevant, subject to the City's approval.
- (b) Meet the requirements as specified in the Official Community Plan and Parks Master Plan with respect to the park inventory requirements required to meet the needs of the community, and its location, size, type and potential use of the park.
- (c) Meet the local community or neighbourhood interest for potential park use or type.
- (d) Be free of any covenants or encumbrances that would restrict and prohibit development of the park.
- (e) Provide and enable the use and enjoyment of lands by most members of the public.
- (f) Provide vehicular access for use by the City or emergency responders.
- (g) Connect to existing or proposed parks, trails, or greenways in the area.
- (h) Connect to existing or proposed institutional or recreational facilities and services.
- (i) Be of low risk, hazard, and liability to the public and City, where hazards may include but are not limited to the following:
  - i. Natural hazards (wildfire, flooding, rock slides); and
  - ii. Safety hazards (rock slides, presence of cliffs, steep slopes, and general hazard lands).

## **5. Special Criteria for Park Land Acceptance:**

- 5.1. In certain circumstances the proposed park land may not meet the required acceptance criteria as listed in this policy, and therefore not be considered to satisfy the dedication requirements prescribed in the *Local Government Act*. However, the City may still consider acceptance of proposed park (in excess of the requirements of the *LGA*) where in the opinion of the City the proposed park land:
- (a) Provides social, recreational, cultural, historical, economic, geographic, topographic, visual, or environmental significance to the community.
  - (b) Is not recognized as park by the Official Community Plan or Parks Master Plan, but should be recognized as such.
  - (c) Contains a covenant or an encumbrance, but these are considered acceptable, because they still allow for the intended use, function, and type of the proposed park described in the Official Community Plan or Parks Master Plan.

## **6. Park Land Acceptance Criteria for Environmentally Sensitive Areas:**

- 6.1. In most cases, Environmentally Sensitive Areas (ESAs) are not accepted to satisfy the dedication requirements prescribed in the *Local Government Act*; however, there may be exceptions where the proposed park land may be considered over and above these requirements due to additional historical, cultural, economic, recreational, topographic, or

geographic significance to the community. In these cases, the City may consider the acceptance of the proposed park land where the following conditions apply:

- (a) The proposed park land area provides and enables public use and enjoyment of lands, which in the opinion of the City, would result in minimal disturbance to the ESA.
- (b) Vehicular access to the proposed park land will be provided for use by the City and emergency responders which in the opinion of the City, would result in minimal disturbance to the ESA.

## **7. Park Land Acceptance Criteria for Rights-of-Way, Greenways and Linear Parks:**

- 7.1. In most cases, park lands intended to establish pedestrian connectivity are not accepted to satisfy the dedication requirements prescribed in the *Local Government Act*, however, there may be exceptions where the proposed park land dedication includes lands that are linear in nature.
- 7.2. The City may consider cases where the linear corridor satisfies dedication requirements as it serves a greater linear park or greenway function and width, having considerable environmental, historical, cultural, economic, recreational, topographic, or geographic significance to the community (i.e. historic flume trail).
- 7.3. Any right-of-way to be used solely for public walkways or access is considered part of the pedestrian network as required through subdivision, and will not be considered to meet dedication requirements.
- 7.4. Any right-of-way to be used solely by the City for City purposes such as maintenance access or emergency access will not be considered to meet dedication requirements.

## **8. Remnant Land Management:**

- 8.1. The value and community benefit of remnant lands is recognized by the City; however, where remnant lands have limited opportunities for development, use, and access as intended in the Official Community Plan or Parks Master Plan, the value of the lands is reduced. Additionally, portions of these areas may be considered hazard lands, which pose risk to the public, and liability to the land owner. For these reasons, remnant lands will not typically be considered as park land for dedication purposes and cannot be used to satisfy the dedication requirements prescribed in the *Local Government Act*.
- 8.2. There may be extenuating circumstances whereby remnant lands are considered for dedication as park land to the City due to greater environmental, cultural, historical or social values or strong adherence to master planning objectives.
- 8.3. To manage the creation of remnant lands through the development process, and to ensure remnant lands are not unintentionally acquired through tax sale, the City shall require all remnant land:
  - (a) Be attached to, or remain part of an abutting parcel that is not defined as remnant land, whereby ensuring remnant lands remain privately held, and are connected to lands which maintain value for development.

**(b)** Be designated as lands unsuitable for future development:

- i. In the Official Community Plan - where the lands are well defined and unlikely to be refined at future stages of development; or,
- ii. Through the appropriate land use approval process (zoning, subdivision) - where refinements to the boundary are anticipated to be further delineated. This recognizes each process requires a varying degree of accuracy.

**(c)** Be protected and have restrictions, as determined by and to the satisfaction of the City, to limit future land use that is subject to the existing hazards.

**9. Risks and Hazard Lands:**

**9.1.** To understand potential risks and hazards to be used in the consideration of potential park land dedication, and to mitigate liability to the land owner and the City, it shall be the responsibility of the land owner:

- (a)** To complete a Wildfire Hazard Assessment as described in the City of West Kelowna Terms of Reference for Professional Reports and Technical Studies, as required and to the satisfaction of the City.
- (b)** To complete a Geotechnical Study as described in the City of West Kelowna Terms of Reference for Professional Reports and Technical Studies, as required and to the satisfaction of the City.
- (c)** To complete additional technical studies as necessary to assist in the evaluation and reduction of risk and liability, as required and to the satisfaction of the City.

**10. Reconsideration of a Staff Decision:**

**10.1.** An applicant may request Council reconsider a decision made by staff under this policy.

H:\DEVELOPMENT SERVICES\DEPARTMENT RESOURCES\0340 Policies-Procedures\50 Policies and Procedures\Park Land Acceptance and Remnant Land Policy\Park Land acceptance policy - V6.docx

Previous Revision/s: None
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**URBAN DEVELOPMENT INSTITUTE- OKANAGAN CHAPTER**

210 – 1460 Pandosy Street  
Kelowna, BC V1Y 1P3 Canada  
T. 778.478.9649 F. 778.478.0393  
[udiokanagan@udi.org](mailto:udiokanagan@udi.org)  
[www.udiokanagan.ca](http://www.udiokanagan.ca)

September 2, 2020

City of West Kelowna  
2760 Cameron Rd  
West Kelowna, BC, V1Z 2T6

**Attention: Mark Koch, Director of Development Services; Brent Magnan, Planning Manager; Natalie Gerritsen, Parks Planner; Stirling Scory, Planner II**

**Subject: Follow-up Letter on Proposed New Policy for Park Land Acceptance and Remnant Land**

Dear Mark, Brent, Natalie and Stirling:

Thank you for meeting with our committee and listening to the feedback that we provided related to our concerns with the City of West Kelowna's first draft of its proposed new policy for Park Land Acceptance and Remnant Land.

Our committee has reviewed the second draft of this proposed policy and we are grateful that the City of West Kelowna integrated our feedback into this revised policy.

We would like to provide our support for this revised policy.

Best Regards,

**URBAN DEVELOPMENT INSTITUTE OKANAGAN CHAPTER**

Per: Rick Miller, Chair, City of West Kelowna Municipal Liaison Committee



## INFORMATION ONLY COUNCIL REPORT

To: Paul Gipps, CAO

Date: September 29, 2020

From: Mark Koch, Director of Development Services

File No: N/A

Subject: **Development Services Feedback Survey – Initial Results**

---

### STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity - Advancing opportunities to expand our economy, increase employment, and develop the community in ways that contribute towards prosperity for all. (Council's 2020-2022 Strategic Priorities).

### BACKGROUND

The Development Services team strongly values customer service and always strives to improve the ways in which the department helps and communicates with customers. In government, a delicate balance must be met between being a regulator and providing excellent customer service.

The purpose of this report is to advise Council of a new initiative that the Development Services team has implemented in order further connect with their customers. In May of this year, a new initiative was launched to directly ask customers how the department is doing when it comes to assisting clients, keeping communications open, and explaining the policies and regulations which guide the development processes.

**DO YOU HAVE A MINUTE? WE WANT TO HEAR FROM YOU! PLEASE COMPLETE THE [DEVELOPMENT FEEDBACK SURVEY](#).**



**INSERT NAME, CREDENTIALS | POSITION | CITY HALL**

2760 Cameron Road, West Kelowna, BC V1Z 2T6

778.797.XXXX | [www.westkelownacity.ca](http://www.westkelownacity.ca)

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*Figure 1 - Email Signature with link to Development Feedback Survey*

Initial results indicate that customers feel they are receiving a high quality of customer service from the Development Services Department (*Attachment 1*). The Development Services Feedback Survey seeks targeted feedback from active customers, and is shared through links within staff email signatures from the Building, Development Engineering and Planning Departments. (*Figure 1*).

To date over 30 responses have been submitted from Development Services customers, with 94% of responses indicating high levels of customer service.

This initiative will continue for the foreseeable future and staff will provide Council with updates moving forward.

#### **APPROVED FOR THE AGENDA BY**

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

#### **Attachments:**

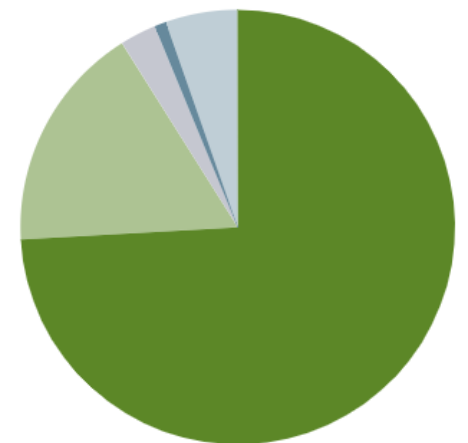
1. Development Feedback Survey Results – to September 11, 2020

# Development Feedback

## Survey Results to Sept 11, 2020

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### Total Survey Responses



Strongly Agree Agree  
Neither Agree nor Disagree Disagree  
Strongly Disagree

"Your Building Services Manager is very responsive and more than helpful. Very positive responses."

"The Planning staff at the City of West Kelowna are wonderful to work with on applications. They are extremely helpful, attentive to detail and friendly all during the process."



86%

Staff were pleasant, professional and happy to assist

93%

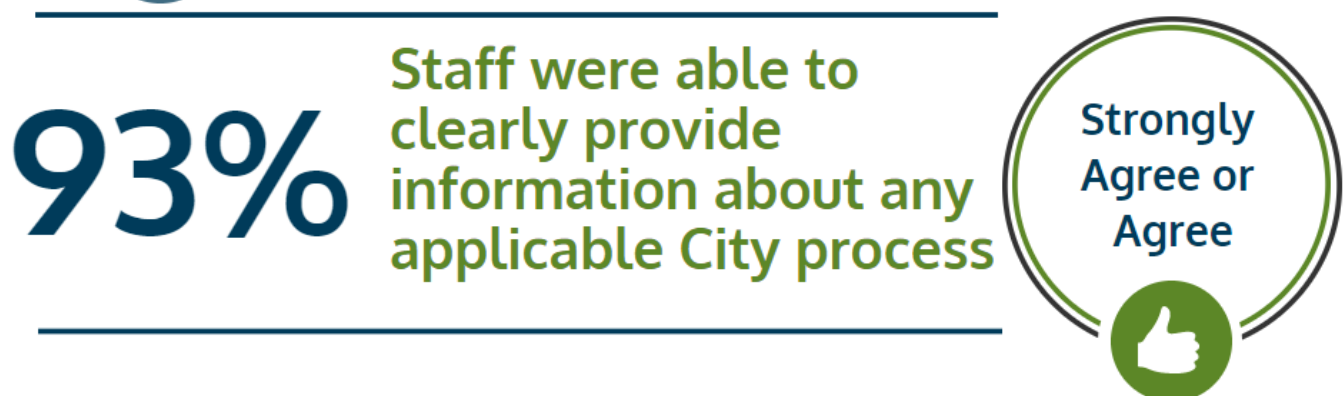
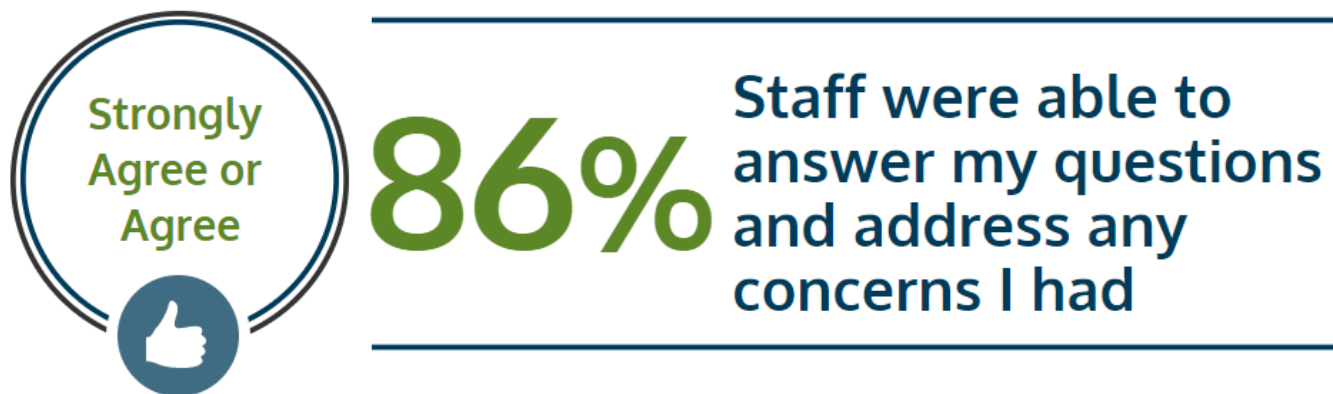
Staff responded to your inquiry in a timely manner



# Development Feedback

Survey Results to Sept 11, 2020

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# Comments

"I was dealing with a clerk. She was incredible to deal with. On both occasions I needed help with some time sensitive issues, and she was able to help me almost immediately. Both issues occurred close to the end of the day, and she helped me out on both occasions without hesitation and without making me feel rushed or annoyed that it was almost closing time. She went above and beyond! I usually do not fill out these surveys but felt that recognition on the clerks efforts, professionalism as well as a sense of care for my issues needed to be known. Please feel free to contact me at any time if you'd like to discuss further."

"Staff are amazing!"

"The clerk was extremely helpful and responded so quickly in sending the information I had requested. Thank you so much."

"Requested a City File on a property. The clerk was very prompt in her response with the information."

"Very, quick, friendly, helpful service. Oh yes, I was sent to the wrong department the second lady sent me to the building department for my inquiry."

"I had conversations with two clerks. My clients are very elderly and I was hoping to keep their stress levels to a minimum as we worked through the sale process, which involved obtaining a city property file. I advised my clients that this could take a while. Obviously I had not dealt with the clerks.... they made the process quick and efficient.... throw in an amazing amount of customer care and you have no less than 9 people thrilled with events directed by the two clerks."

"As a Realtor the property information is extremely important and I am very happy with the services provided. Thank you."

# Comments

"The staff are always courteous and get back to me quickly, the only issue I ever have with the department are not releasing surveys, and making us contact the companies directly, as it can cause long delays and extra expenses. While I appreciate the trademark aspect, this practice is unique only to West Kelowna when compared to other cities and municipalities in the area. In some cases, the survey firms are either defunct or I have also had experience where they refuse to release the surveys all together."

"We found the staff member to be very helpful and he assisted us in finding the best options to make our application workable. He usually had answers, and if he didn't he would get them for us. We appreciated his collaborative nature. The overall process was slow and costly beyond what we had expected. However, we got it done in the end, so we are grateful for that. "

"I would like to personally commend the Planning Manager for his quick reply (within minutes!) to my query about slope mapping. West Kelowna is truly fortunate to have such a committed and experienced public servant."

"Staff members were a pleasure to work with and the turnaround time for our minor DP application was spectacular. They exceeded my already high expectations on customer service and application timelines. My clients are thrilled to be able to build their walkway before the July long weekend."

"We have been working with the City for a number of years on our project. The staff have been excellent to work with, as we had to address a number of complications that emerged during our work. Their communication has been prompt, clear and open as we discussed different solutions."



## COUNCIL REPORT

To: Paul Gipps, CAO

Date: September 29, 2020

From: Jason Luciw, Communications Supervisor

Subject: **Investing in Canada Grant – COVID-19 Resilience Stream**

---

### RECOMMENDATION

**THAT** Council direct staff to apply to the Investing in Canada Program's COVID-19 Resilience Stream seeking funding for active transportation improvements along the Old Okanagan Highway/Shannon Lake Road/Stevens Road corridor; and

**THAT** Council amend the 2020 to 2029 Capital Plan to allocate the City of West Kelowna's share of funding from reserves, subject to a successful grant application; and

**THAT** Council authorize the Mayor and Corporate Officer to execute any agreements.

### STRATEGIC AREA(S) OF FOCUS

Invest in Infrastructure. Economic Growth and Prosperity. Strengthen Our Community.

### BACKGROUND

The federal government adapted the \$33 billion Investing in Canada Infrastructure (ICI) Program to include a COVID-19 Resilience Stream, with \$413 million available in BC.

### DISCUSSION

Up to 80% joint federal and provincial funding is available per project, with a maximum contribution of \$10 million. Most applications tend to receive less than \$2.5 million and larger amounts will unlikely be funded. A municipality may submit only one application in an eligible category such as:

- Building retrofits, repairs and upgrades
- COVID-19 response infrastructure, including physical distancing measures
- Active transportation including parks and trails, bike lanes and multi-use paths
- Disaster mitigation and adaptation projects, including flood and fire mitigation

Active transportation improvements align with Council's 2020 to 2022 Strategic Priorities, annual Citizens' Survey results, customer service requests, Roads DCC Program, and the City's 10-year Capital, Transportation and Pedestrian and Bicycle Plans.

Senior Management reviewed City infrastructure projects identified in the 10-year Capital Plan and Roads DCCs Plan and assessed their eligibility under the grant program. The Director of Engineering and Public Works vetted a project shortlist with senior government program staff and determined that active transportation improvements along the Old Okanagan Hwy – Shannon Lake Rd – Stevens Rd Corridor would merit strong consideration under the program given factors such as:

- Westbank First Nation collaboration and connections along, through and between City and Indigenous lands
- The potential to include Indigenous recognition in the project design such as street signs in the nsyilxcən language
- Active transportation, climate adaptation and accessibility improvements including pedestrian, cycling and transit infrastructure
- Economic factors including job creation in engineering, construction and trades and connectivity between neighbourhoods and commercial and business centres
- Innovation such as LED street-lighting improvements
- The municipality must be able to complete the project by the end of 2021

The application deadline is Oct.1, 2020; a Council resolution is required to show support for the application and confirm the City's financial contributions for any approved projects.

## **FINANCIAL IMPLICATIONS**

Consultants will determine final cost estimates, in the \$3 million range, as part of the application process. The grant application will request the maximum 80% funding or approximately \$2.4 million. The City would fund the remaining 20%, or approximately \$600,000 through Gas Tax, Capital and DCC Reserves.

## **CONCLUSION**

The City has a one-time opportunity to request COVID-19 resilience grant funding from senior government. Active transportation projects are eligible and align with City plans, citizens' service requests and three of Council's four Strategic Priorities pillars.

## **ALTERNATE MOTION**

**THAT** Council direct staff to apply to the Investing in Canada COVID-19 Resilience Stream seeking funding for Gellatly Phase 4 active transportation improvements from Carrington Road to Boucherie Road, and Boucherie Road to Westbank First Nation.

## **REVIEWED BY**

Warren Everton, Chief Financial Officer

Rob Hillis, Engineering Manager

Allen Fillion, Director of Engineering and Public Works

## **APPROVED FOR THE AGENDA BY**

Paul Gipps, CAO

PowerPoint and/or attachments: Yes ☐ No ☒



## INFORMATION ONLY COUNCIL REPORT

To: Paul Gipps, CAO

Date: September 29, 2020

From: John Perrott, Economic Development & Tourism  
Manager

File No: 6750-30

Subject: **COVID-19 Economic Development & Tourism Update #2**

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### EXECUTIVE SUMMARY

The purpose of this report is to provide Council with an economic overview and activity update as a result of COVID-19 for the following areas:

- Regional and community economic indicators
- City's Economic Development and Tourism office response activities
- Council's Economic Development Committee
- Regional response activities including the Central Okanagan Economic Development Commission and the Regional Economic Recovery Taskforce

### STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity – to advance opportunities to expand our economy, increase employment, and develop a community in ways that contribute towards prosperity for all.

### BACKGROUND

The support that the Economic Development and Tourism office has been providing is:

- Managing inbound inquiries by new businesses and investors who are looking to invest in the community,
- Sourcing information and data to help support investment decisions,
- Help existing community businesses to access City services or departments,
- Support existing businesses, where possible, to address their operating challenges - this may include connection to other businesses for support services (e.g. accounting, human resources, etc.), referral to regional or provincial support organizations, site selection supports, etc.
- Providing business-to-business referrals to identify potential cooperation opportunities between businesses – working as a business community connector

- Building and maintaining relationships with business community stakeholders and regional business support organizations
- Building and maintaining destination marketing & management activities.

On May 5, 2020, Council received the COVID-19 Economic Development and Tourism Response Update #1, which outlined the framework and approach of the City's Economic Development and Tourism Department in response to the impacts experienced by local businesses due to COVID-19. Within that report, there were four stages for communities experiencing economic disruptions: preparedness, response, recovery, and mitigation. Due to the prolonged nature of the pandemic, the current status is estimated to be within a managed response phase as the immediate impacts some local businesses experienced in March and April and been addressed through modified business practices and/or financial support programs available through the provincial and federal governments. Examples of business supports and resources provided by each level of government include:

Government of Canada	Direct financial supports for businesses impacted by COVID-19 like the Canada Emergency Business Account Loan, Canada Emergency Wage Subsidy program, Canada Emergency Commercial Rent Assistance loans, and Canada Emergency Response Benefit. Deferring remittances of taxes collected.
Province of British Columbia	Canada Commercial Rent Assistance (partnership with Federal Government); Rental relief for Commercial Property Owners & Tenants; deferral of tax and Employer Health Tax deadlines; flexible payment plans with ICBC, BC Hydro, FortisBC, WorkSafeBC, etc; Health Guidelines for business operations; sector supports through industry groups and associations; relaxing of regulations for greater business operation flexibility (e.g. allowing restaurants to expand patio, sell and deliver alcohol, etc).
Local Government & Regional District	Property Tax deferment, reducing operating regulations for business, online resource portals, direct one-on-one support with business owners by staff members.

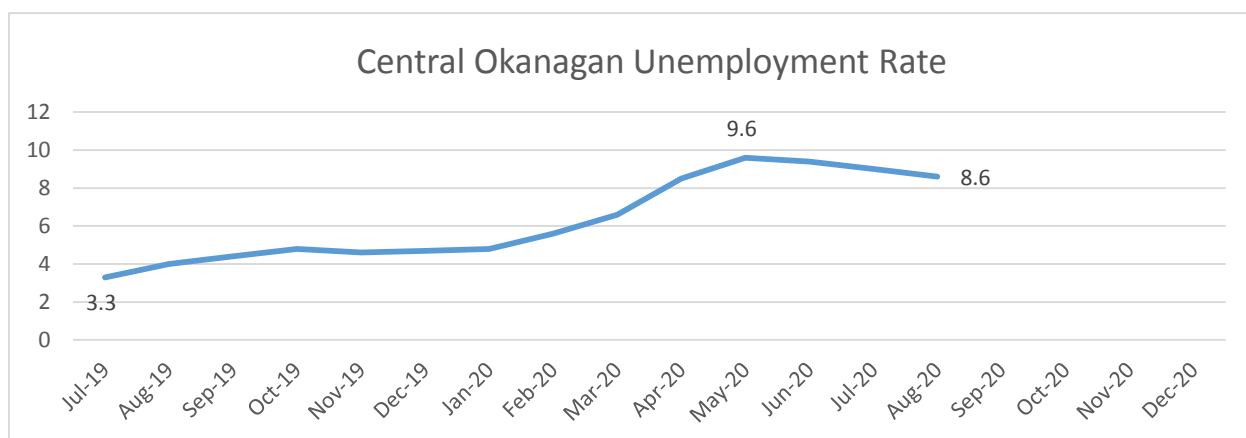
The combination of direct and indirect supports offered by all levels of government are intended to help businesses to weather the economic disruptions caused by COVID-19 to date.

### Regional Economic Indicators

Labour force data is collected by Statistics Canada and reported out on a monthly basis at federal, provincial, and regional levels - data for West Kelowna is included as part of the Central Okanagan reporting region. Looking back to last summer, the Central

Okanagan businesses faced a low unemployment rate of just 3.3% that created challenges for businesses at the time as they were constantly describing the challenge of finding employees to serve their customers.

Because of COVID-19, unemployment rose to a peak of 9.6% in May 2020<sup>1</sup> due to layoffs in various business sectors. It should be noted that this recent peak of 9.6% is not the highest rate of unemployment experienced in the Central Okanagan region in the last twenty years – previous records of 12% and 11.7% were seen in January 2001 and May 2002 respectively. By August, as businesses continued to recall previously laid-off employees, the unemployment rate had steadily improved with three consecutive months of declining unemployment to 8.6% in August.

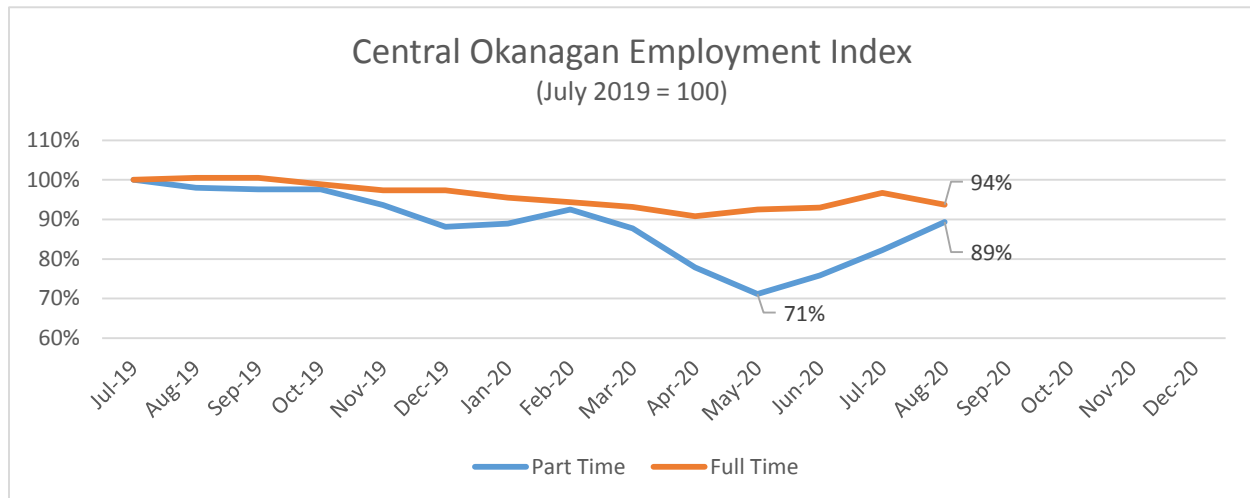


For context, when reviewing the data regarding unemployment in the region in the last year, part-time employees within the region were the most affected, with as many as 30% of part time workers out of work in May 2020<sup>2</sup> compared to July 2019. The decline in part-time jobs compared to full-time jobs can likely be attributed to the impacts faced by those retail, restaurant and services sectors who rely on part-time workers and whose business operations were curtailed due to the direction set forth by the Provincial Public Health Officer in March. As those business sectors were able to reopen under new safe operating measures in May and June, and as they brought back their employees, part-time employment began to rebound with approximately 89% of part time employees back at work.

<sup>1</sup> Source: Statistics Canada Table: 14-10-0095-01 (September 2020)

<sup>2</sup> Source: Statistics Canada Table: 14-10-0095-01 (September 2020)



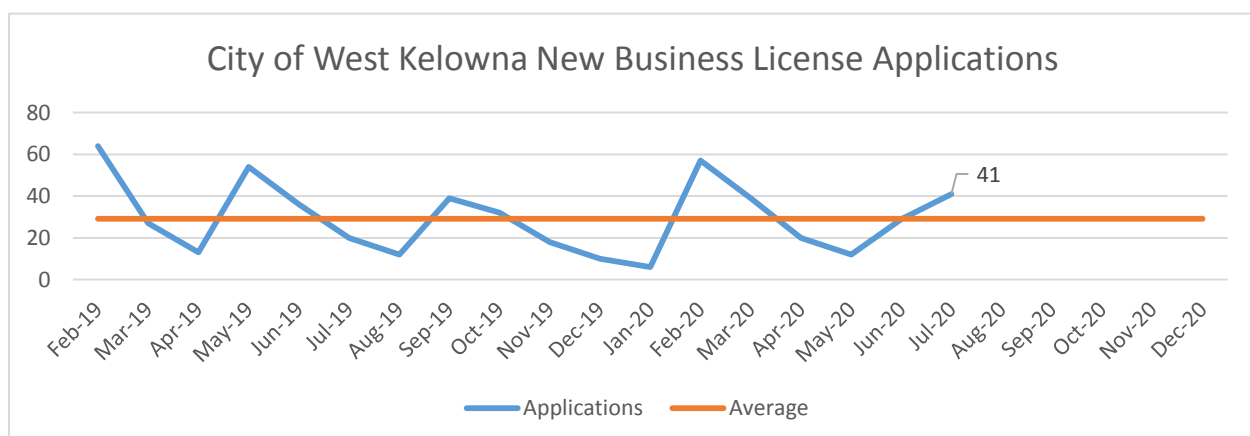


### West Kelowna Economic Indicators

Measuring the direct impact of COVID-19 on the local economy is difficult as data collected by the other levels of government is not available at a community level. As a result, data from within the municipality and through British Columbia's Data BC portal was used to create some community-level economic indicators for the purposes of this report to gauge the impacts of COVID-19 on the local economy.

### New Business License Applications

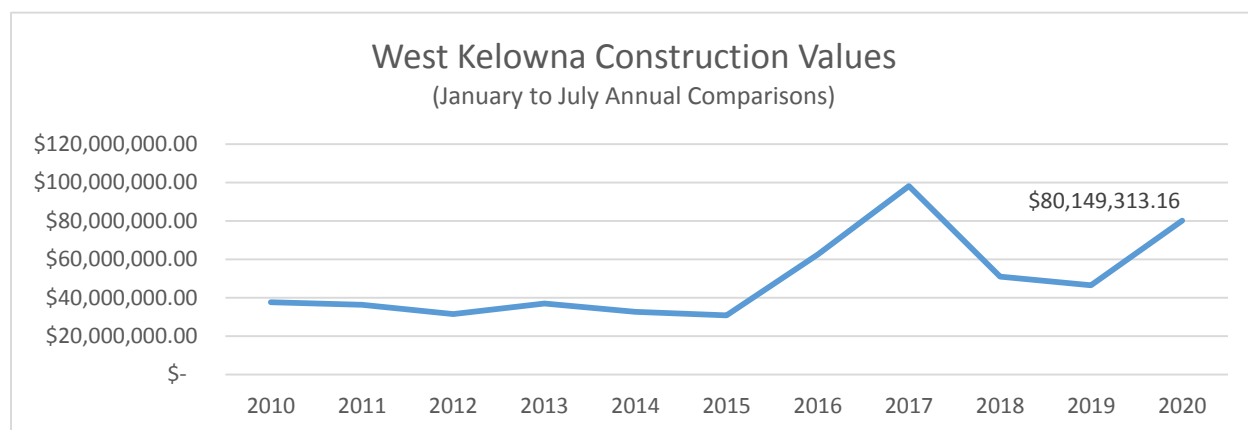
In the last 18 months, the City of West Kelowna received an average of 29 business license applications from prospective entrepreneurs seeking to open their business in the community. Applications appear to be seasonal in nature as new business license applications increase in anticipation of being open for key periods of the year (e.g. summer, back to school, Christmas, etc.). Compared to 2019, the normal April/May increase in applications appears to have been pushed back until June and July due to COVID-19. Overall, in the first half of 2020, the City had 204 new applications compared to 239 in the same period in 2019.





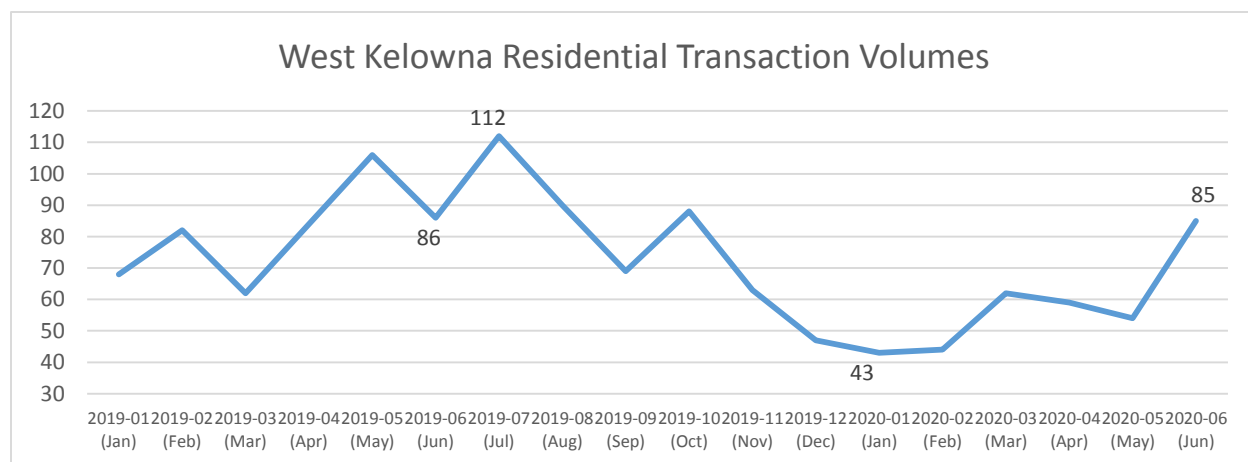
## Real Estate Development and Sales

Construction in West Kelowna remained robust in the first six months of 2020 with just over \$80 million in projects<sup>3</sup>. When comparing construction values of the first six months in each year since 2010, 2020 is the second highest year for construction value.



Projects contributing to this amount include multi-family, industrial, commercial, and agricultural projects throughout the community.

Residential real estate transaction activity in West Kelowna started the year below the monthly average of 72 transactions per month, but was trending upward just as COVID-19 hit in March. Following a small decrease in April and May, transaction activity noticeably increased to 85 transactions reported in June 2020<sup>4</sup>. Anecdotal information from local real estate agents in the community indicated that the trend of increased transaction volumes continued well into July and August.



<sup>3</sup> Source: City of West Kelowna Development Services Monthly Development Statistics

<sup>4</sup> Source: Data BC

## City Economic Development & Tourism Office

Since reporting to Council in May, the Economic Development and Tourism Office has experienced a reduction in COVID-19 related support requests for financial and safe-operating guideline referrals from West Kelowna businesses compared the initial weeks of the pandemic starting in mid-March. This is consistent with what other Economic Development offices in neighbouring communities have experienced as businesses began to adapt to new operating procedures and/or had successfully accessed financial support programs.

Since then, businesses and business groups in the community requested support on a variety of operating related issues as they worked their way through adjusting to safe operations and meeting the changing expectations of their customers due to COVID-19. Highlights of how the Economic Development and Tourism Office have supported local businesses have included:

- Providing referrals for businesses in the community on where to source local safe operating essentials like acrylic barriers, floor stickers & posters, cleaners, etc.
- Designing floor stickers for members of the Westside Wine Trail to use at their wineries to help socially distance guests free of charge.
- Designing floor stickers for the West Kelowna Visitor Center and offering the designs to local hotels to use in their properties free of charge.
- Sourcing and coordinating acrylic barriers for the service counters at the West Kelowna Visitor Centre.
- Developing & coordinating the installation of additional directional signage for visitors attending the wineries along Glencoe Road.
- Initiating a Wine Trail sign review throughout the community in collaboration with members of the Westside Wine Trail to help improve circulation of wine-related guests to the community, including examining signage improvements along Highway 97 with the Ministry of Transportation and Infrastructure.
- Supporting the Greater Westside Board of Trade's Board of Directors to help provide regional connections on programs, supports and information.



As the BC Restart Plan moved into Phase 3 in June that encouraged intra-provincial tourism and travel, local tourism businesses adjusted their operating procedures based on the guidelines set forth by WorkSafe BC and the Provincial Health Officer to manage their operations and welcome guests. The City's Economic Development and Tourism Office re-engaged its Visit Westside marketing program after taking a hiatus while the Provincial Health Officer did not recommend travel in the period of mid-March to early June. Marketing and promotional efforts returned slowly with a focus on inspiring residents to explore their own backyard in a safe and responsible manner. Highlights of those COVID-19 related tourism promotional efforts included:

- Social media posts across on Visit Westside Facebook, Instagram, and Twitter channels highlighting local tourism businesses, their safe operating activities, and events.



- Development and distribution of six “Fresh Sheets” highlighting events and special activities occurring on the Westside. With limited capacity for attendees, businesses sought to promote their events through our channels in an effort to ensure that guests could get information and tickets in advance as spaces generally filled up quickly.

FRESH SHEET

Remember, new protocols are  
in place at many businesses.  
Plan, call ahead & enjoy!

VISIT WESTSIDE  
west kelowna • westbank first nation  
visitwestside.com

<p><b>Live Music @ Off the Grid</b></p> <p><b>AUG 20</b> - Reserve a picnic table for live music on Thursdays. Book your table online @ <a href="http://offthegridorganicwinery.com">offthegridorganicwinery.com</a> 5-7pm   3623 Glencoe Rd</p>	<p><b>Creative Art Series</b></p> <p><b>AUG 22</b> – Unleash your creative artist with a guided painting workshop. Louise Lambert will guide you and the focus is on Monet. Tickets includes supplies, glass of wine &amp; tasty bites. 11am – 1:30 pm   2550 Boucherie Rd</p>	<p><b>Westbank Farmer's Market</b></p> <p><b>AUG 22</b> -Fresh produce, fruit, baked goods and vendors each Saturday. 9am – 1 pm Corner of Elliott &amp; Main (Hwy 97)</p>
<p><b>Live Music @ Annie's (Frind Estate Winery)</b></p> <p><b>AUG 20</b> – Enjoy live music on the lakeside patio while enjoying wines &amp; shared plates. Limited seating, so arrive early. Tickets not required. Artist: Derek Joel 5-7pm   3725 Boucherie Rd</p>	<p><b>Rise &amp; Vine Yoga</b></p> <p><b>AUG 22</b> – Start your day by centering your mind and body in an outdoor lakefront yoga class. \$20 pp. 10-11 am   Frind Winery   3725 Boucherie</p>	<p><b>Saturday Happy Hour Live Music – The Jazz Tex Trio</b></p> <p><b>AUG 22</b> – Enjoy a glass of wine, food truck fare &amp; live music in the outdoor courtyard. General admission free or reserve a picnic spot. 4-6pm   Grizzli Winery   2550 Boucherie Rd</p>

- Sponsored content on KelownaNow.com: "[15 reasons to travel the Westside Wine Trail](#)" on June 26<sup>th</sup>. The article below was placed in partnership with the Westside Wine Trail Association to promote members of the Wine Trail and what visitors could expect during their visits to the wineries:





FOOD & DRINK	BIZ+TECH	TRAVEL & LIFESTYLE	ARTS & CULTURE	NEWS & CITY INFO	FIREWATCH	SHOP LOCAL	ADV
BIG WHITE SKI RESORT	REAL ESTATE	CONTESTS	BEST OF THE CITY	MORE	SUBSCRIBE	NEARBY	COVID-19 UPDATES

Sponsored posted Jun 26, 2020 @ 03:45pm by Jorden Puzzella

## 15 reasons to travel the Westside Wine Trail

 Listen to this article now  
18:48  Powered by Trinity Audio

The Westside Wine Trail Wineries are open and that means that you've got 15 reasons to travel the Trail.

*"From all of us along the Westside Wine Trail, thank you so much for your continued support over the past few months! As we enter this new phase, let's keep that local love going and support our community's tourism businesses, which can help us reconnect to the places where we live and discover new ways of exploring and enjoying our own backyards."*

As member tasting rooms reopen, each winery wants to ensure that their families, staff and customers have a safe, comfortable and welcoming experience, so they've prepared a few things to keep in mind as we navigate this new normal together.

- Please be patient as we are all learning together
- Maintain social distance of 6' (or 6 wine bottles)
- Note that many tasting rooms have plexiglass partitions for the tasting bar and staff will be wearing masks
- Sanitize your hands before and after your experiences
- Please stay home if you feel unwell at all
- Please follow all regulations of the establishment you are in
- Stay safe and have fun!

Enjoy this alphabetical scroll through the Westside Wine Trail and know that along with the list below, the City of West Kelowna has a lot to experience, including hiking and biking trails, beaches and parks, restaurants and more Westside fun. To add to your Westside Wine Trail adventure, you can find new ideas for a great summer #stacation online at [visitwestside.com](#) and [thewestsidewinetrail.com](#).

This article was read more than 2,800 times, garnered 521 social media engagements, and reached more than 13,000 individuals via associated social media posts on the KelownaNow social media pages.



In preparation for the fall season and beyond, the Economic Development and Tourism Office also initiated the filming of a video in partnership with Westbank First Nation featuring Mayor Milsom and Chief Derickson to welcome visitors to the Greater Westside. At the time of this report, video editing has been finalized and discussions are underway regarding scheduling to air the video digitally as well as through the Canadian Radio-television and Telecommunications Commission's Public Service Announcement program. This program provides free airings across traditional television networks for approved not-for-profit and community organizations, like the City of West Kelowna. The video is anticipated to be aired exclusively in British Columbia this fall and then re-aired next spring within the province and potentially other provinces based on travel recommendations put forward by the Provincial Health Officer.



In addition to the supports provided through the Economic Development & Tourism Office, City staff in other departments have supported local businesses by:

- Providing blanket support to the British Columbia Liquor & Cannabis Regulation Branch (LCRB) to allow local wineries to expand their patio areas within their properties to provide the necessary space to maintain recommended social distancing guidelines. Through this blanket approval, it reduced the application period for any business in West Kelowna to apply for an expanded serving area with the LCRB.
- Providing commercial and industrial landowners with the opportunity to defer their annual property tax payments until the end of September 2020 without penalty.

Further information is located on the City's economic development webpage at [www.investwestkelowna.ca](http://www.investwestkelowna.ca).

#### City's Economic Development Committee Activity

On May 12, 2020 Council re-appointed all of the members of the Economic Development Committee to continue to serve until October, 2022 to provide continuity and leverage Committee member expertise through the pandemic. Since their reappointment, members of the committee have met virtually in June, July, and August where members have provided the Economic Development and Tourism Manager with community observations and experiences on how COVID-19 has affected businesses within their networks. Specifically, members of the committee who provide financial-related services for their jobs, have been able to comment specifically on how the businesses they serve have been managing through the pandemic. This information has been valuable in understanding where the challenge points have been for businesses.

The City's next Economic Development Committee meeting is scheduled for October 14<sup>th</sup> where members will discuss the current state of the West Kelowna economy and potential economic development and tourism activities for 2021, including activities to aid businesses in the anticipated recovery phase.

### Regional Participation

The City's Economic Development and Tourism Manager has continued to participate in regional roundtables and working groups since the beginning of the pandemic in March. These working groups and relationships have provided significant opportunity to remain up to date with emerging programs and services to available to West Kelowna businesses. Some of the working groups include the regional tourism roundtables coordinated by the Thompson Okanagan Tourism Association and Tourism Kelowna as well as a member of the Central Okanagan Economic Development Commission's Response Action Team to discuss priorities, share what businesses were/are experiencing and address gaps to meet the immediate needs of our region's business community.

### Regional Economic Development Response

As a member community of the Regional District of the Central Okanagan, West Kelowna is also served by the Central Okanagan Economic Development Commission (COEDC) to provide additional regional economic development support. COEDC programs and services are designed to complement economic development services offered at the community level. The current mixed-model of regional and local government economic development services here in the Central Okanagan has been considered nationally as an ideal model as it provides the opportunity for the greatest continuum of service to support businesses in a region. During COVID-19, the COEDC has provided the following supports in addition to the actions of its member communities:

- Provide an online directory of available resources for businesses.
- [Conducting industry roundtables](#) to understand local economic impacts experienced by each industry and identify industry recovery needs and sharing this information with local government partners.
- Coordinating the COEDC Response Action Team to facilitate information sharing amongst participating members.
- Promoting local business initiatives and businesses who are providing services and products to support others during the pandemic.
- Providing one-on-one service requests to businesses seeking support and access to services.

The [Regional Economic Recovery Taskforce](#), comprised of Central Okanagan Mayors, Westbank First Nation Chief, and Regional District Chair, formed on April 14, 2020 is focused on the following priorities for the Central Okanagan region:

- Provide Central Okanagan communities a forum for identifying economic recovery needs.

- Position and advocate for anticipated stimulus program funding for the Central Okanagan businesses and their employees.
- At a political level, communicate Central Okanagan needs using a 'one voice' approach through advocacy to other levels of government.
- Identify available areas for collaborative projects to support economic recovery.

Looking ahead into 2021 and beyond, potential challenges facing businesses in West Kelowna will also be faced by businesses in the other communities throughout the Central Okanagan. As such, it is anticipated that continued blend of community and regional response delivery of services will be beneficial in ensuring that the Central Okanagan businesses can successfully manage through the challenges posed by COVID-19. The Economic Development and Tourism Office will remain engaged in regional support activities and information sharing to help serve West Kelowna businesses.

#### Next Steps

- Continued monitoring of local economic conditions to identify and provide support to West Kelowna businesses.
- Continued participation in regional economic response efforts including the Central Okanagan Economic Development Commission's Response Action Team and other regional groups.
- Provide a year-end report to Council highlighting Economic Development and Tourism activities and milestones in December 2020.
- Develop the 2021 Economic Development and Tourism Operational Plan and present it to members of Council in the first quarter of 2021.

### **FINANCIAL IMPLICATIONS**

To date, the existing 2020 Economic Development and Tourism budget has covered costs associated with initiatives focused on responding to the impacts of COVID-19 through reallocating funds earmarked for projects within the existing budget. The City has been successful in obtaining an additional Destination BC grant for \$1,000 to help cover COVID-19 safety barriers and floor stickers required for operating the West Kelowna Visitor Centre.

### **COUNCIL REPORT / RESOLUTION HISTORY**

<b>Date</b>	<b>Report Topic / Resolution</b>	<b>Resolution No.</b>
May 12, 2020	<b>COVID-19 Economic Development and Tourism Response Update #1</b>	

**REVIEWED BY**

Sandy Webster, Director of Corporate Initiatives

**APPROVED FOR THE AGENDA BY**

Paul Gipps, CAO

PowerPoint: Yes ☒ No ☐



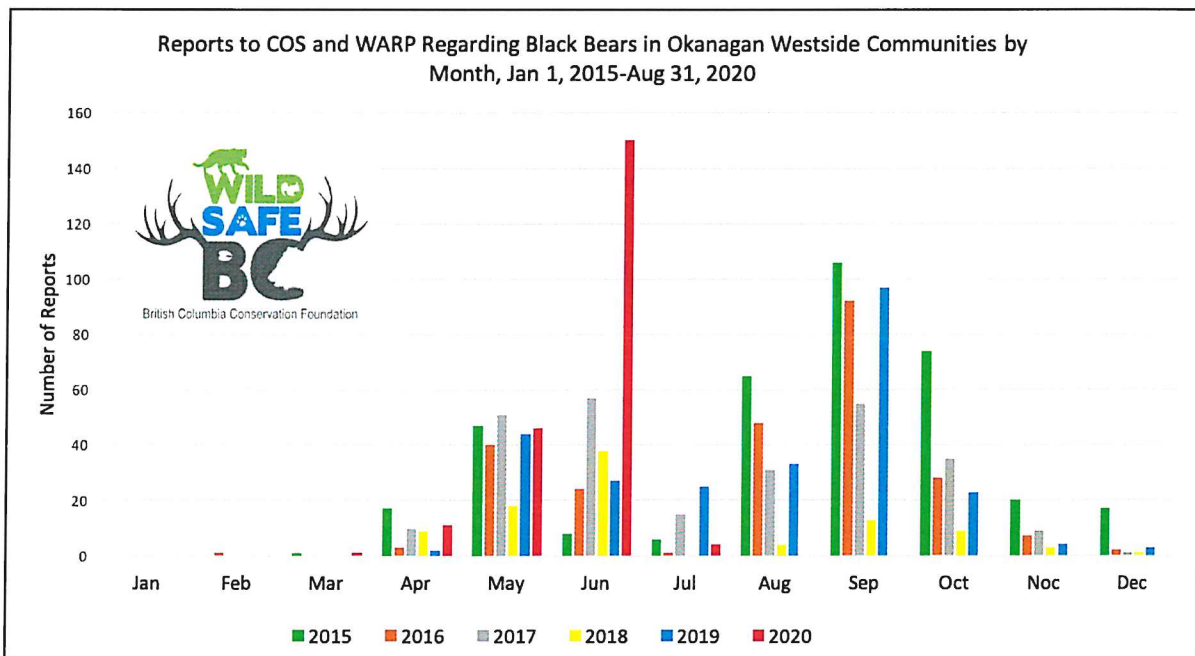


September 23, 2020

Mayor and Council  
City of West Kelowna  
2760 Cameron Rd  
West Kelowna, BC  
V1Z 2T6

Dear Mayor Milsom and City Council,

As the local WildSafeBC Community Coordinator, I am writing to alert you to the exceptionally high level of human-bear conflict that the city experienced this spring, and suggest some options for further supporting efforts to address and prevent these conflicts – making our community safer and keeping the bears in the wild. In the month of June alone this year, there were 150 reports regarding black bears made to the Conservation Officer Service, which is five times the average (Figure 1), in the WildSafeBC Okanagan Westside Program area (West Kelowna, Westbank First Nation, Peachland & Westside Rd area). The majority of these reports involved bears in the City of West Kelowna. The neighbourhoods of Rose Valley and Shannon Lake experienced the most human-bear conflicts, but bear sightings and conflicts occurred in many other neighbourhoods as well, including Lakeview Heights and Glenrosa. The high amount of local bear reports this spring is notable because the province as a whole only experienced an average level of reports, and because the fall (not the spring) is typically when we see the most reports in the area (Figure 1).



**Figure 1:** The number of reports by month, regarding black bears made to the Conservation Officer Service (COS) and WildSafeBC's Wildlife Alert Reporting Program (WARP) from January 1, 2015 to August 31, 2020.



About half of the black bear reports so far in 2020 (up to Aug 31<sup>st</sup>) involve food conditioned bears, and of the reports that identified attractants, garbage is noted in 77% of them. Given the high levels of human-bear conflict in the community this spring, it is difficult to predict what will occur during the course of this fall for bear conflict levels. Additionally, with the large amount of environmental uncertainty we face with climate change, combined with development and an expanding city, we may continue to see unusual patterns in levels of human-bear conflicts in the community.

Through my work as the WildSafeBC Community Coordinator, I am working hard to mitigate human-bear conflicts through various activities and actions, including: engaging with the public and utilizing media to raise awareness; providing direct education in high-conflict neighbourhoods; and collaborating with Conservation and Bylaw Officers, as well as program sponsors. However, my role does not allow for the more thorough assessment and long term planning that is needed. Thus, I urge the City of West Kelowna to consider undertaking steps in the *Bear Smart Community Criteria* in order to further prevent human-bear conflicts from occurring in the community. Other communities in the province that complete the criteria to become *Bear Smart* and address the root causes of human-bear conflicts, do see reductions in the amount of conflict, and the number of bears that have to be destroyed in their communities. This results in safer communities for everyone, bears and humans.

I have attached a factsheet to this letter that outlines the *Bear Smart Community Program*, including the criteria. The criteria are a series of 6 steps:

1. *Prepare a bear hazard assessment.*
2. *Prepare a bear/human conflict management plan.*
3. *Revise planning and decision making documents.*
4. *Implement a continuing education program.*
5. *Develop and maintain a bear proof waste management system.*
6. *Implement Bear Smart by-laws.*

By partnering with WildSafeBC, the City is already addressing step four. The first step in the criteria is to *Prepare a bear hazard assessment* (BHA), which is something I would be more than happy to discuss and advise on options for consideration. A BHA identifies high risk areas in the community for human-bear conflicts, which is essential information for planning and decision making on reducing conflicts in the community. While working through all the criteria is ideal, working on and achieving a few of the steps would have a positive impact. There is a great opportunity to work on step five in the criteria right now, *Develop and maintain a bear proof waste management system*. The Regional District is working on making bear-resistant garbage carts available to residents, but in order for those bins to be an effective solution, there also needs to be city bylaws that support proper use of the bins. It would also be beneficial to replace the open garbage cans at city parks, with bear-resistant ones. Given that garbage is the main attractant identified in the area, addressing this has potential to significantly reduce the human-bear conflict levels.



BRITISH COLUMBIA  
CONSERVATION  
FOUNDATION

Complex problems, like human-wildlife conflict, need complex solutions. The WildSafeBC program is a good start and the *Bear Smart Community Program and Criteria* provide an excellent framework to further address human-bear conflict in the community. Thank you for your attention to and consideration of this matter. Myself, and the resources available to me through WildSafeBC, are available to yourselves and city staff if you would like further information.

Regards,

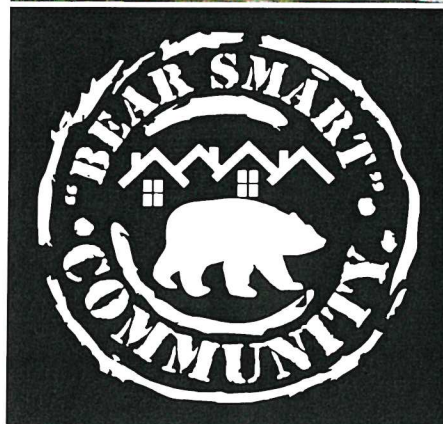
Meg Bjordal, B.Sc., MSEM  
WildSafeBC Community Coordinator, Okanagan Westside Program  
BC Conservation Foundation  
250-826-3114 | [okwestside@wildsafebc.com](mailto:okwestside@wildsafebc.com)





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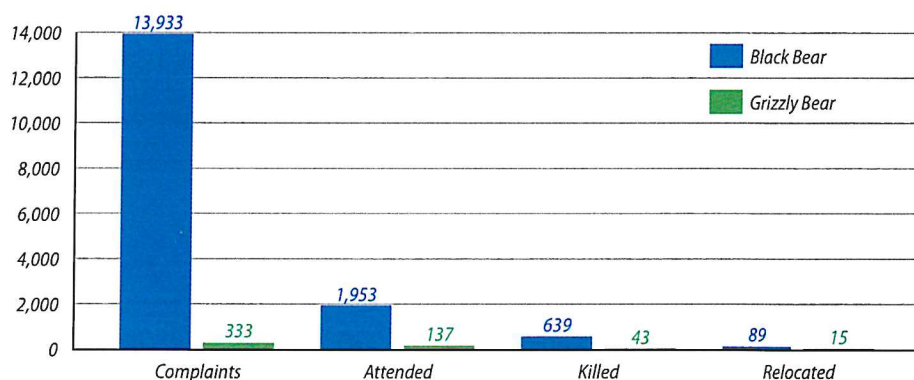
# Bear Smart Communities

BRITISH COLUMBIA CONSERVATION OFFICER SERVICE

## WHY IS THE BEAR SMART COMMUNITY PROGRAM IMPORTANT?

Every year, B.C.'s Conservation Officers respond to thousands of complaints regarding bears. Most of these conflicts begin when people allow bears to access non-natural food sources. Unfortunately, because there are few alternative control methods once bears have learned to access human food, Conservation Officers have no choice but to euthanize those bears.

## 10-Year Average of Bear Conflicts in British Columbia



## ACCESS TO HUMAN FOOD

People teach bears bad habits. If bears are allowed to access human food and garbage, they quickly learn to associate it with people and become what is called food-conditioned. These bears also become habituated to people as they lose their fear of humans.

Habituated and food-conditioned bears learn to expect human food and are more likely to approach people, increasing risks to public safety, and are more difficult to drive away than wild bears.

## WHAT IS THE BEAR SMART COMMUNITY PROGRAM?

The Bear Smart Community Program is a proactive conservation initiative that encourages efforts by communities, businesses and individuals to reduce human-bear conflicts.

It is a co-operative venture that recognizes the responsibility to manage bear-human conflicts rests with everyone and will require participation from the provincial government, municipal governments and local citizens to be effective.

It is community led, entirely voluntary on the part of the community, and acknowledges that each community will be unique in the conflicts that occur and the opportunities that exist to reduce those conflicts.



## THE BEAR SMART VISION

- » Focus efforts on addressing the root causes of bear-human conflicts.
- » Reduce the overall number of conflicts.
- » Reduce the number of bears that have to be destroyed due to conflicts.



## THE BENEFITS OF BEING "BEAR SMART"

The primary goal of the Bear Smart Community Program is to diminish the rate and intensity of human bear conflicts and thereby:

- » Improve public safety.
- » Reduce property damage.
- » Have fewer bears killed due to conflict.

## THE BEAR SMART COMMUNITY PROGRAM IS BASED ON A SERIES OF ESTABLISHED CRITERIA:

### 1. Prepare a bear hazard assessment.

Review the history and pattern of bear conflicts in the community and identify high-use bear habitat, human-use areas (school yards, playgrounds, etc.) and non-natural attractants such as accessible garbage, fruit trees, bird feeders, compost, etc.

### 2. Prepare a bear/human conflict management plan.

Develop strategies to resolve the hazards identified and reduce the potential for human-bear conflicts.

### 3. Revise planning and decision making documents.

Ensure the community's commitment to the Bear Smart Community Program by incorporating Bear Smart practices into official community documents such as the Official Community Plan and/or Solid Waste Management Plans.

### 4. Implement a continuing education program.

Education is a key component of human-bear conflict reduction and the community must have an ongoing education program that is directed at all sectors of the community and consistent with the WildSafeBC/Ministry standard.

### 5. Develop and maintain a bear proof waste management system.

Ensure that all components of municipal waste management including waste, recycling and composting are managed appropriately and made inaccessible to bears. This may be done through bylaws, the use of bear-resistant containers and/or electric fencing.

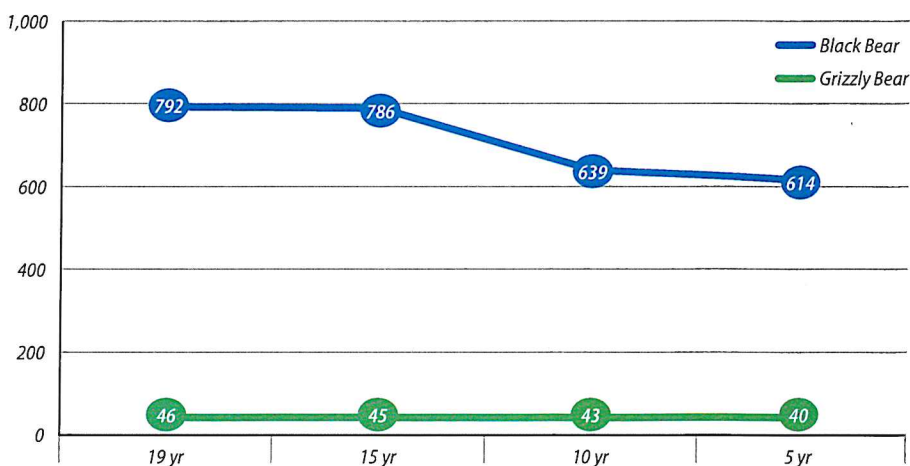
### 6. Implement Bear Smart by-laws.

Implement "Bear Smart" bylaws prohibiting the provision of food to bears as a result of intent, neglect, or irresponsible management of attractants. Implement a compliance strategy for these bylaws to ensure that there is full compliance with them.

## BEAR SMART SUCCESSES

We have seen a steady decrease in the number of bears killed annually in response to conflict with people.

### Average Number of Bears Killed Due to Conflict

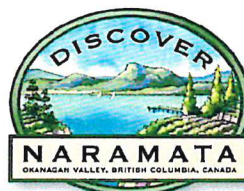






More than 20 communities in B.C. are actively pursuing Bear Smart status.

Congratulations to eight communities that have successfully attained official Bear Smart status: Kamloops; Squamish; Lions Bay; Whistler; Port Alberni; Naramata; New Denver; and Coquitlam .



The Conservation Officer Service and the Province recognize there are challenges to the implementation of the Bear Smart Community Program and are committed to supporting and assisting with community efforts.

For more information regarding Bear Smart please visit us online or contact the Wildlife Conflict Manager.

Mike Badry, Wildlife Conflict Manager  
Conservation Officer Service Branch  
Phone: (778) 698-4276  
Email: [mike.badry@gov.bc.ca](mailto:mike.badry@gov.bc.ca)

Bear Smart Community Program:  
<http://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/wildlife/human-wildlife-conflict/staying-safe-around-wildlife/bears/bear-smart>

### R.A.P.P.

**Report All Poachers and Polluters**

Conservation Officer 24 Hour Hotline  
**1-877-952-RAPP (7227)**  
**Cellular Dial: #7277**



Website:  
[www.env.gov.bc.ca/cos/](http://www.env.gov.bc.ca/cos/)



Facebook:  
**Conservation Officer Service**



Twitter:  
**@\_BCCOS**



**BRITISH  
COLUMBIA**