



CITY OF WEST KELOWNA ADVISORY PLANNING COMMISSION AGENDA

Wednesday, December 16, 2020, 9:30 A.M.
COUNCIL CHAMBERS
2760 CAMERON ROAD, WEST KELOWNA, BC

	Pages
1. CALL THE ADVISORY PLANNING COMMISSION MEETING TO ORDER	
In response to the COVID-19 pandemic, the orders of the Provincial Health Officer and the Province of BC Ministerial Order No. M192, the Economic Development Committee meeting space is not open to the public. The meeting is however, available to the public via a live webcast which 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 Advisory Planning Commission meeting held November 18, 2020 in the City of West Kelowna Council Chambers	3
5. PRESENTATIONS	
6. DELEGATIONS	
7. UNFINISHED BUSINESS	
8. REFERRALS	
8.1. TUP 20-04, Temporary Use Permit, 3145 Coventry Cres	15
8.2. Z 20-05, Zoning Amendment Application, 2485 Hayman Road	28
8.3. P 20-16, Short Term Rental Regulations	40
8.4. Z 20-10, 2749 & 2769 Shannon Lake Road	63
9. CORRESPONDENCE AND INFORMATION ITEMS	
10. OTHER BUSINESS	

11. ADJOURNMENT OF THE MEETING

The next Advisory Planning Commission meeting is scheduled for Wednesday, January 20, 2020 at 9:30 a.m.



CITY OF WEST KELOWNA
MINUTES OF THE ADVISORY PLANNING COMMISSION MEETING

Wednesday, November 18, 2020
COUNCIL CHAMBERS
2760 CAMERON ROAD, WEST KELOWNA, BC

MEMBERS PRESENT: Wayne Kubasek, Chair
Anthony Bastiaanssen, Vice Chair
Julian Davis
Joe Gluska
Nicole Richard
Katalin Zsufa

MEMBER ABSENT: Bea Kline

Staff Present: Hailey Rilkoff, Planner II
Dallas Clowes, Senior Planner
John Perrott, Economic Development and Tourism Manager
Natasha Patricelli, Recording Secretary

1. CALL THE ADVISORY PLANNING COMMISSION MEETING TO ORDER

The meeting was called to order at 9:30 a.m.

This meeting was open to the public. In accordance with COVID-19 protocols, a viewing area that could accommodate three members of the public was available.

2. INTRODUCTION OF LATE ITEMS

3. ADOPTION OF AGENDA

It was moved and seconded

THAT the agenda be adopted as presented.

CARRIED UNANIMOUSLY

4. ADOPTION OF MINUTES

4.1 Minutes of the Advisory Planning Commission meeting held October 21, 2020 in the City of West Kelowna Council Chambers

It was moved and seconded

THAT the minutes of the Advisory Planning Commission meeting held October 21, 2020 in the City of West Kelowna Council Chambers be adopted.

CARRIED UNANIMOUSLY

5. PRESENTATIONS

6. DELEGATIONS

7. UNFINISHED BUSINESS

8. REFERRALS

8.1 P20-01, West Kelowna Community Vision (Phase 1 OCP Review)

Highlights of the presentation include:

- Community Visioning - one of Councils Strategic Priorities 2020-2022;
- March 2020: Initially planned to start Community Engagement;
- June 2020: Redesigned project and launched engagement (in context of COVID-19 physical distancing requirements);
- Current Official Community Plan was reviewed and updated in 2011;
- Visioning is the first step of our OCP Update:
 - Community Visioning process;
 - Options;
 - Draft Policy and Mapping;
 - Final OCP Bylaw;
- Process timeline - completed listening phase, compiled feedback information and now we're building our vision;
- Following this refinement document will come back to council committees and Council for final consideration;
- Engagement Summary document currently on our website;
- Snapshot of Round 1 engagement participation submissions: 25 postcards (stations at City Hall and JB Mac), 29 photo contest, 37 participants in online topic meetings, 58 participants in three online stakeholder meetings, 107 ideas in kids activity book, 469 weekly topic questionnaires completed, 1,409 community idea questionnaires completed, in total 5,290 comments received through direct input;

- Phase 1 engagement activities in digital and print advertising and presence;
- Tracked who participated in the process - most people were full time residents, then time in West Kelowna (shopping/working);
- Council wanted to hear from long time residents and new comers to the community;
- Neighbourhood participation - well represented across the community;
- Tracked age of participants - struggled with under 19 and over 75 demographic;
- Compiled feedback and put it into the first draft community vision document - working document and open to feedback;
- Very important that this document is reflected of all the voices in the community;
- Vision statement is a forward thinking snapshot of what West Kelowna wants to become in 2040;
- Five foundational elements: our people, our connectivity, our adaptability, our prosperity and our places;
- Twenty key directions include: overview of what we heard, what we see in 2040 and signs of success.

Round 2 Engagement

- Hear from the community and reach out to the under represented neighbourhoods;
- Key activity: online feedback forms;
- Choose your own adventure feedback time varies from five minutes to a few hours;
- Key activity: online vision review workshop (December 1 and December 2) afternoon and evening sessions;
- Key activity: youth activities;
 - Partnering with Mt. Boucherie Secondary School for youth engagement;
 - Collaboration with student who has tailored materials for in-school opportunities;
 - Working with high schools and middle schools;
- Outreach to seniors centre and information drop with hard copies of documents;

- Interior Health is helping us spread the word and including it in their newsletters as well;
- Round 2 Engagement Outreach includes both online and digital;
- New engagement item is borrowing road sign and placing it in lesser participation neighbourhoods;
- Working Schedule: wrapping up this round of engagement before Christmas and going forward with refined draft vision before the new year;
- How can the APC help?
 - Word of mouth;
 - Please share with your personal and professional networks;
 - Social media network;
- In the last round most people found out about the process through Facebook;
- Engagement kits were provided to all members.

Highlights of the discussion include:

- Very well and thought through project. A great document and a terrific set of goals;
- It shows that West Kelowna is really good and a really nice place but where does it say that we are the best at something? It would be good for West Kelowna to establish ourselves as a place that is known for something. Did that come out at all in this project? We've heard such varied feedback on what West Kelowna means to people. One of our Councillors said "West Kelowna has something for everyone". We included "We celebrate and express our unique sense of place". Council feels were not just a place of one thing. We are a place to offer more things. It was asked of us to be more broad. Everyone has a different interpretation of what West Kelowna means to them. There is no one showcase item for West Kelowna.
- Suggestion to be more bold with signs of success. Aspirations of what we want West Kelowna to be.
- Suggestion to see more emphasis on tourism development. A tourist commercial development to have tourists come here and stay here to see the wineries and trails.
- Suggestion for something around water conservation and zero scaping our lots and parks as an aspirational goal.
- Was participation tracked through statistics of household income? We did not track statistics on household income that through this round of engagement.

8.2 Z 20-07, Zoning Amendment Bylaw No. 154.95 (APC), Unaddressed Asquith Road

Highlights of the presentation include:

- Unaddressed Asquith Road (end of road);
- Between east side of Smith Creek and south end of Tallus Ridge neighbourhoods;
- Adjacent to former landfill site;
- Not within the ALR;
- Surrounding Uses:
 - North: Compact Single Detached Residential (RC3) and Agricultural (A1);
 - East: Rural Resource (RU5) - former landfill site;
 - South: Single Detached Residential (R1);
 - West: Single Detached Residential (R1);

Proposal - Zoning Amendment

- Designated: single family residential;
- Proposed to amend zoning RU2 to R1 to facilitate a subdivision (approximately 23 lots);
- Proposed development includes the extension of Asquith Road through to future connection of Smith Creek Road and Tallus Heights Drive;

Policy and Bylaw Review

Official Community Plan:

- Residential policy for Single Family Residential designation supports traditional single family housing form and encourages the sensitive integration of housing forms that complement the type, scale and character of the neighbourhood;
- Proposed R1 zone consistent with the land use designation;

Development Permit Areas:

- Hillside and Sensitive Terrestrial Ecosystem Development Permit areas will be addressed prior to the future subdivision process;
- Site regrading anticipated over entire site;

Zoning Bylaw:

- Proposed R1 zone is intended to accommodate low density single family residential use on parcels 550m² and larger;

Technical Review

Transportation and Access:

- Access through extension of Asquith Drive;
- Frontage improvements to full urban standard;
- Connection to future Smith Creek Road and Tallus Heights Drive;
- Consistent with Master Transportation Plan;
- Proposed road closure and road dedication under review;
- Prior to Public Hearing - confirm impact on potential off-site road improvements;

Site Servicing:

- Confirmed site can be adequately serviced;
- Water - site can be adequately serviced with existing infrastructure but off-site improvements anticipated to address water looping;
- Sanitary sewer - not anticipated to trigger upgrades to existing system based on Sanitary Master Plan;
 - downstream capacity and off-site improvements will be confirmed prior to public hearing;
- Stormwater - new detention or pond proposed for on-site;
 - off-site improvements to downstream infrastructure will be confirmed prior to public hearing;

Geotechnical:

- Confirmed that site is safe for use intended;

Environmental:

- Rezoning area identified as ESA-3 and ESA-4;
- Areas are so impacted by human disturbance that there is little or no chance for recovery or rehabilitation;

Park Analysis:

- Future subdivision triggers park dedication requirements under LGA, Sec. 510;

- Subject property does not meeting City of West Kelowna criteria for suitable parkland (Parks Acceptance Policy);
- Anticipated cash-in-lieu of park dedication at time of future subdivision;

Pedestrian Connectivity:

- Anticipated to be addressed partly through inclusion of sidewalks within proposed road network but may include consideration of rights of way to connect future road networks;

Referral Comments

- No concerns noted with the proposed amendment but comments:
 - BC Hydro requires an SRW;
 - BC Transit recommends sidewalks, higher densities in support of future transit service in the neighbourhood;
 - Interior Health recommends consideration of providing continuous and connected pedestrian and cycling pathways between cul de sacs and neighbourhoods to reduce travel distances;
 - RDCO noted adjacent former landfill has monitoring requirements to address safe levels;

Key Considerations:

- Residential policies encourage sensitive integration of different housing forms in all residential growth areas in support of neighbourhood diversity and healthy communities;
- Infill development makes more efficient use of community services and reduces development pressures at the urban fringes;
- Future development permit process will address hillside and environmental mitigation;
- Proposed zoning boundary amendments and proposed development is consistent with the City's master planning processes.

Highlights of the discussion include:

- Is the adjacent lot is already zoned R1? That is correct, the adjacent lot to the West is already zoned R1 residential.

It was moved and seconded

THAT the APC recommends support for file Z 20-07 as presented.

CARRIED UNANIMOUSLY

9. CORRESPONDENCE AND INFORMATION ITEMS

9.1 Economic Development Presentation

Highlights of the presentation include:

- Presentation by John Perrott, Economic Development and Tourism Manager for the City of West Kelowna;
- Previously Economic Development programs and services included working with local and existing businesses, recruitment and start ups of local businesses;
- Currently Economic Development is much broader focus and integrates talent and placemaking;
 - Talent Development - retention, development and recruitment;
 - Placemaking - support talent and businesses;
 - Business Development - retention, expansion, recruitment and start up;
- Lots of opportunities for collaboration - front person to coordinate our business community;
- Census reports by neighbourhood provide detailed data for people wanting to open a business in a certain neighbourhood;
- Layers of service for Regional Economic Development and Tourism Delivery Model:
 - Macro Region - Thompson Okanagan Tourism Association;
 - Regional - Central Okanagan Economic Development Commission, Tourism Kelowna;
 - Local - individual municipalities from Peachland through to Lake Country;
- Important to realize a broader network of participants is required for successful Economic Development;
- Number of support organizations and industry groups;
- Importance of a network of community lenders;
- Question on the presentation: Does West Kelowna and WFN have the same desires? Great staff level relationships. Senior management and John working in collaboration with WFN tourism projects. This past summer made a Public Service Announcement with Mayor Milsom and Chief Derickson to

invite people to the community. Finding more and more areas to collaborate on. We are not in completion with other communities in the region but we grow together. Benefits of regional collaboration and alignments between the communities.

- Community Vision Sets the Stage - Community that is built here will attract the talent and entrepreneurs who will come here to do that. How does sense of place impact and benefit businesses or detract? What young professionals do you want here? What connections and programs do they need to stick around? What does the community look like as they advance in their careers or are they preparing for semi-retirement?;
- We want businesses to be involved and share their input on the community vision as it directly impacts their organizations;
- Question on the presentation: In terms of the visioning process - waterfront, agriculture, vineyards, wineries, trails, regional parks. How can we take those advantages (without being competitive) and brand it and encourage business organizations to flow with that. What do we want to be and how can we brand that? Over the last decade there have been a lot of discussions around that. intuitive awareness and quality of life here. Tourism is our promotion and calling card to get people in here. Broader outreach is something we're regionally continuing working on;
- Something to identify West Kelowna specifically;
- Deeper question between community branding and organizational branding. Community Visioning is to build stronger community brand;
- Does West Kelowna have an official slogan or are we working to have one? Not aware of a corporate or a community level one;
- It would be nice to have something;
- Question on the presentation: The recreation sport industry is huge generation of revenue. For example. Kelowna tourism and Kelowna city flag football event 2300 children and youth. Children travel with their parents, stay in hotels, eat food at restaurants, visit wineries. What are the tourism marketing concepts in place for events? Answer: Without having a local sales tax, municipalities and organizations may not see outside of rental fees a direct benefit of hosting sporting events in the community. Funding of those facilities relies on funding from residential and commercial taxes. We recognize the importance of these public facilities helps contribute to support of hotels and restaurants in the community;
- Vibrant business community needs to attract new business opportunities;

- People will come back to explore the community because of the positive experiences they had while here for an event;
- Opportunities for municipalities to help link events, example hockey tournament. Get in touch with organizers to make connections to subsequent experiences and businesses throughout the community;
- Economic Development approach for 2021 draft operational plan;
- Workshop for Council in the new year:
 - Business Communication & Outreach: enhance our abilities to connect and communicate with our businesses. Goal is present a quarterly update and newsletter to those businesses in the community as well as those interested in the community. Better gauge of what is happening here in West Kelowna. Meet with members in the community and understanding their challenges in the community and provide support;
 - Community & Business Assistance: to help businesses make an investment in the community. Ex. business plan or site selection. Help them navigate through our business processes. Help provide direction to the correct departments. Economic Development to be the first point of contact for the groups;
 - Film Production Support: number of movies happening here. Working to develop guidelines in conjunction with the Okanagan Film Commission. Help coordinate them through the process and ensuring they have all necessary permits that may be required. Help recognize economic activity by connecting them to hotels, food, etc;
 - Tourism Marketing & Management: help improve the destination as a place. We do not have a resort municipality status. Visit Westside brand. We do not have a hotel tax at this time but we will move forward with this to bring us some funding. Visitor guide and independent brochures:
 - Wine trail (7-14 and possibly 8 more) craft beverage industry is significant in this community;
 - Westside Farm Loop - improvements: barrel stacks to tie in wineries and farm loop, banners and improved signage to come;
 - 3rd area is the trail system for hiking and mountain biking. Help connect them and raising awareness for where to park - Instagram, Facebook and media;
 - 4th area in collaboration is indigenous collaboration. Share their stories - museum opening with their gift store. This makes us special as it is unique within our community;

- Encourage to join our community digital pages - [instagram.com/visitwestside](https://www.instagram.com/visitwestside); twitter.com/VisitWestside; facebook.com/VisitWestside;
- Short Term Rentals: West Kelowna specific had a 95% rate. In a good position to continue to see growth with a new hotel being built;
- Internal Organization Support: to help connect departments to businesses. to help improve City Department engagement and lessen impacts of projects on West Kelowna businesses. Growing work with Recreation network for business opportunities and activities. Sport tourism - finding the gaps in our tourism seasons and expanding the shoulder seasons. Example. Pickleball event in August couldn't get a discount at the hotel because they were already at capacity. Had a mobile visitor centre on site to help assist with reservations, booking hotels, restaurants, wineries, etc;
- Help quantify the inbound service develops to better manage our resources;
- Operational plan to council is a starting point. Council will have a workshop in the first 8 weeks of 2021. Identify some multi year goals and consultation with the community visioning. Document will be modified and then go back to Council;
- Difficulty with Economic Development. There isn't an industry that we can't support.

Highlights of the discussion include:

- Insightful presentation;
- Bringing in tourism - peaches fruit and vegetables important for our community but those types of farms are being bulldozed and wineries are going up. Is there anything going on to protect those types of farms? Farm Loop program was brought in to help generate more visitation to the farms and with the majority of the farms it is a secondary income focus for them;
- Tourism bringing in for trails and great recreational networking. Through COVID it's been noticed that ALR properties are becoming far more recreational. Is the city working with wineries for recreational opportunities? Access for agricultural lands some are okay with it and some are not. Uses are close to one another like residential and farms it is up to the farm owner;
- Great presentation;
- Post secondary educational opportunities in West Kelowna, have we ever looked at the opportunity to have satellite locations for Okanagan College? Funding challenges to provide the right window of opportunity - City facilities are pretty maxed out for utilization. We're not quite there yet to have a satellite campus. Discuss previously with the Continuing Education department with Okanagan College opportunities and options here - based

on funding mechanism. Funding models for purchasing new buildings and buying land is a long process there. Would definitely like to see something here in the future. Because of our proximity to Kelowna.

- Linkage of something like a connection with Alpine helicopters for a program/co-op educational opportunity would keep talent being developed here in West Kelowna.

10. OTHER BUSINESS

10.1 Advisory Planning Commission Meeting Schedule 2021

THAT the APC adopt the 2021 APC Meeting Schedule as presented.

11. ADJOURNMENT OF THE MEETING

The meeting adjourned at 11:07 a.m.

CHAIR

RECORDING SECRETARY



ADVISORY PLANNING COMMISSION REPORT

To: Advisory Planning Commission Members

Date: December 16, 2020

From: Jayden Riley, Planner II

File No: TUP 20-04

Subject: **TUP 20-04; Temporary Use Permit; 3145 Coventry Crescent**

BACKGROUND

This application is seeking a Temporary Use Permit to operate a brewery within the garage of a single detached dwelling and within the Single Detached Residential Zone (R1). No accessory structures are proposed to accommodate the use.

PROPERTY DETAILS			
Address	3145 Coventry Crescent		
PID	009-666-184		
Folio	36415069.356		
Lot Size	1,015 sq. m.		
Owner	Brad Kotnik	Agent	N/A
Current Zoning	R1 (Single Detached Residential)	Proposed Zoning	N/A
Current OCP	N/A	Proposed OCP	N/A
Current Use	Single Family Dwelling	Proposed Use	Home Based Brewery
Development Permit Areas	Aquatic, Terrestrial, Hillside		
Hazards	None		
Agricultural Land Reserve	No		

ADJACENT ZONING & LAND USES			
North	^	Parks and Open Space (P1)	
East	>	Single Detached Residential (R1)	
West	<	Single Detached Residential (R1)	
South	v	Single Detached Residential (R1)	

NEIGHBOURHOOD MAP



PROPERTY MAP



Background/Proposal

This application is seeking a Temporary Use Permit to operate a brewery within the garage of a single detached dwelling and within the Single Detached Residential Zone (R1). No accessory structures are proposed to accommodate the use. See below summary of the proposed temporary use:

- House of operation: Brewing 1 day per week, 4:30 PM to 9:30 PM
- Client visits: customer pickup Thursday and Friday 5:00 PM to 7:00 PM, Saturday 4:00 PM to 6:00 PM, no sampling permitted at the brewery.
- Storage needs: 20 cases of growlers (6 x 1.89 L), maximum 20 bags of grain
- Equipment: 2 x 115 L kettles, propane burner, pump and plate chiller, brew commander, 4x 150L Unitank, 1 x glycol chiller
- Anticipated production volume: 117 L per week (58.5 growlers)
- Mitigation measures: all activities proposed within enclosed garage, limited LED lighting
- Potential nuisances: noise from propane burner and odor from grain and hops aroma on brew day

Location and Surrounding Uses

The subject property is located at 3145 Coventry Crescent within the Glenrosa neighbourhood, containing one single detached dwelling. The subject property is located within a residential neighborhood with surrounding single detached dwelling land use to the east, south, and west, and Glen Canyon Regional Park to the north. The adjacent property to the east, located nearest to the garage where the proposed operation of the brewery is to be contained, is owned by the City of West Kelowna and is vacant except for a booster station.

Legislative Requirements

Section 493 of the *Local Government Act* gives Council the authority to issue a Temporary Use Permit (TUP) to allow a use that is not permitted in the applicable zoning regulations. A TUP may allow a use on a property for up to three (3) years and may specify conditions under which the use may be carried out. A TUP may be extended once for a period of up to three (3) years at the discretion of Council.

Licensing Requirements

A manufacturing licence is required from the Liquor and Cannabis Regulation Branch (LCRB) to operate a brewery, which requires the zoning to support the manufacturing use. A TUP that allows brewery has been confirmed to meet LCRB requirements.

Policy and Bylaw Review

The subject property has a land use designation of Single Family Residential, which is intended to provide traditional single family housing opportunities. The zoning of the subject property is Single Detached Residential (R1). The R1 Zone permits single detached dwelling as a principal use and home based business as a secondary use.

Brewery does not meet the intent of home based business use, although the proposed use will be occur under similar conditions for a parcel under 0.5 ha, such as:

- The business is occurring within the dwelling unit;
- The combined maximum floor area is under 50 sq. m.;
- No outdoor storage is proposed;

- Only 1 person who resides in the dwelling shall be employed; and
- Retail sales are limited to products produced on the premises.

Due to brewery not meeting the intent of the home based business use, a temporary use permit is required.

KEY CONSIDERATIONS

In providing recommendations to City staff and Council, the APC may wish to consider the following:

- The brewery is contained within the existing enclosed carport
- The neighbourhood low density residential subdivision
- Home based business is a permitted use within the R1 Zone;
- Other than the proposed use, the use is anticipated to meet the City's home based regulations

Specific comments would be appreciated should the APC have any concerns with the proposed [insert application type], so that they may be further investigated or considered prior to staff providing a recommendation to Council as part of consideration of the application.

Respectfully submitted,

Jayden Riley
Planner II

Powerpoint: Yes ☒ No ☐

Attachments:

1. Applicant's Proposal Summary



PROPOSAL SUMMARY – LAST MOUNTAIN BREWING COMPANY

**Proposal:**

Last Mountain Brewing Company Ltd. (LMB) is focused on quality, trustworthiness, honesty and loyalty, with an emphasis on FUN! (Brad Kotnik) has been passionate about the craft beer scene since late 2006 and I am committed to creating and sharing my own craft. I've been brewing craft beer for over 14 years and using an all-grain brewing process for over 9 years. By focusing on minimizing waste, my commitment to the environment and sustainability are core values of LMB. Having balance between a healthy lifestyle and being conscious of the environment and outdoor activities. Balance has always been a part of Brad Kotnik's lifestyle and will shine through operations and into all products at LMB. Giving back to the community through charitable donations and local sports sponsorship are important to LMB. Uniqueness is key, I do not want to be just another label; I want customer to LOVE my product and LOVE the lifestyle created by what LMB represents. When walking through the doors of LMB or stepping up to the bar, each customer will be engaged in a FUN atmosphere. In order to get LMB's brand in front of customers, I am planning to start off in a dedicated area for manufacturing purposes in the garage which is to be used as a full-time brewing facility. Distribution will be in 1.89 Litre beer pre-filled glass growlers both available for pickup at LMB or at each farmer's market throughout the interior region. Also, after year 1, having LMB beer in better liquor stores and on tap through the Okanagan region. There will also be special emphasis on having LMB on tap at all interior British Columbia ski resorts.

Over the past 5 years, I have participated in the annual CAMRA Okanagan Brewer's competition at Square One and Tin Whistle Brewing in Penticton and I've placed in the top 2 among all entries.

In the newly created garage, construction will be completed in December 2020. Commitment to legitimacy by utilizing all necessary approvals for permits: Interior Health, BCLDB, BC Liquor Board, Canada Excise and Duty, GST and 3-year Temporary Use Permit (TUP) from the city of West Kelowna.

Community and Neighborhood Benefit:

- There are studies showing that having a manufacturing only craft brewery in the neighborhood (under 1KM distance) increases property value by 10%. For those neighbors over 1KM in distance, studies show that property values increased by 3%. Having a craft brewery in the neighborhood minimizes people's need to commute by vehicle to purchase quality craft beer.
- Spent grain products will not be messy, Last Mountain Brewing Company Ltd. (LMB) has verbal agreements with local farmers to dispose of the waste product and it to be used to feed chickens and other farm animals.

- Free spent grains are available for pickup (with appointment) to be used in home-made dog cookies
- Future sponsorship of a local sports team (TBD)

Minimal Impacts of the Proposal:

First of all, brew day will be 1 day per week from 4:30 PM to 9:30 PM:

- **Lighting from manufacturing:** On brew day, there will be minimal lighting required, all lights are LED and only cast up the driveway of the property and into the neighboring property Glen Canyon/Power's Creek pathway. Also, next door to the brewery is the West Kelowna water pump station.
- **Noise from manufacturing:** On brew day, there is some noise when using the propane burner required to boil water and finished wort (beer)
- **Smell from manufacturing:** On brew day, there will be a neighboring odor of grain and grassy hop aroma (think baked bread and cut grass).
- **Waste materials from manufacturing:** Liquids will be disposed into ground and evaporation. No chemicals that are harmful to humans are used in any part of the manufacturing process.
- **Customer product pickup:** Customers will be permitted to visit the brewery during set hours to only purchase product. No sampling is permitted at the brewery.

Development Permit Guidelines. Development will meet these guidelines by:

- **Notice of Application signage** to be placed on my property
- **Mail/hand delivery notice** to all residents within 100m of the subject property to advise of the application
- **Date that Council** will consider approval TBD



NATURE OF TEMPORARY USE PERMIT – LAST MOUNTAIN BREWING COMPANY



Community and Neighborhood Benefit:

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- **Smell from manufacturing:** On brew day, there will be a neighboring odor of grain and grassy hop aroma (think baked bread and cut grass).
- **Waste materials from manufacturing:** Liquids will be disposed into ground and evaporation. No chemicals that are harmful to humans are used in any part of the manufacturing process.
- **Customer product pickup:** Customers will be permitted to visit the brewery during business hours to only purchase product. No sampling is permitted at the brewery.
 - **Thursday 5:00 – 7:00 PM**
 - **Friday 5:00 – 7:00 PM**
 - **Saturday 4:00 – 6:00 PM**
- **Notice of Application signage** to be placed on my property
- **Area required for manufacturing:** All brewing activities will occur within the enclosed garage. All storage will also be contained within the enclosed garage
- **Date that Council** will consider approval TBD

Storage Needs:

- 20 cases of glass growlers (6 x 1.89L) to be stored in the attic storage at the brewery
- Up to 20 bags of grain stored on premises
- 80 cases of glass growlers (6 x 1.89L) stored at dry storage facility in Kelowna

**Production Volume:**

- Each weekly production volume is 117L (58.5 growlers)
- Expected growth in year 1 is to be 4 x 117L
- Method of sale is from the manufacturing facility (Last Mountain Brewing Company location) and at farmer's markets

Equipment:

- Hot side (production)
 - 2 x 115L kettles (Blichmann Engineering)
 - Propane burner (Blichmann Engineering)
 - Pump and plate chiller (Blichmann Engineering)
 - Brew Commander (Blichmann Engineering)
- Cold side (fermentation and serving)
 - 4 x 150L Unitank (Spike Brewing)
 - 1 x Glycol chiller

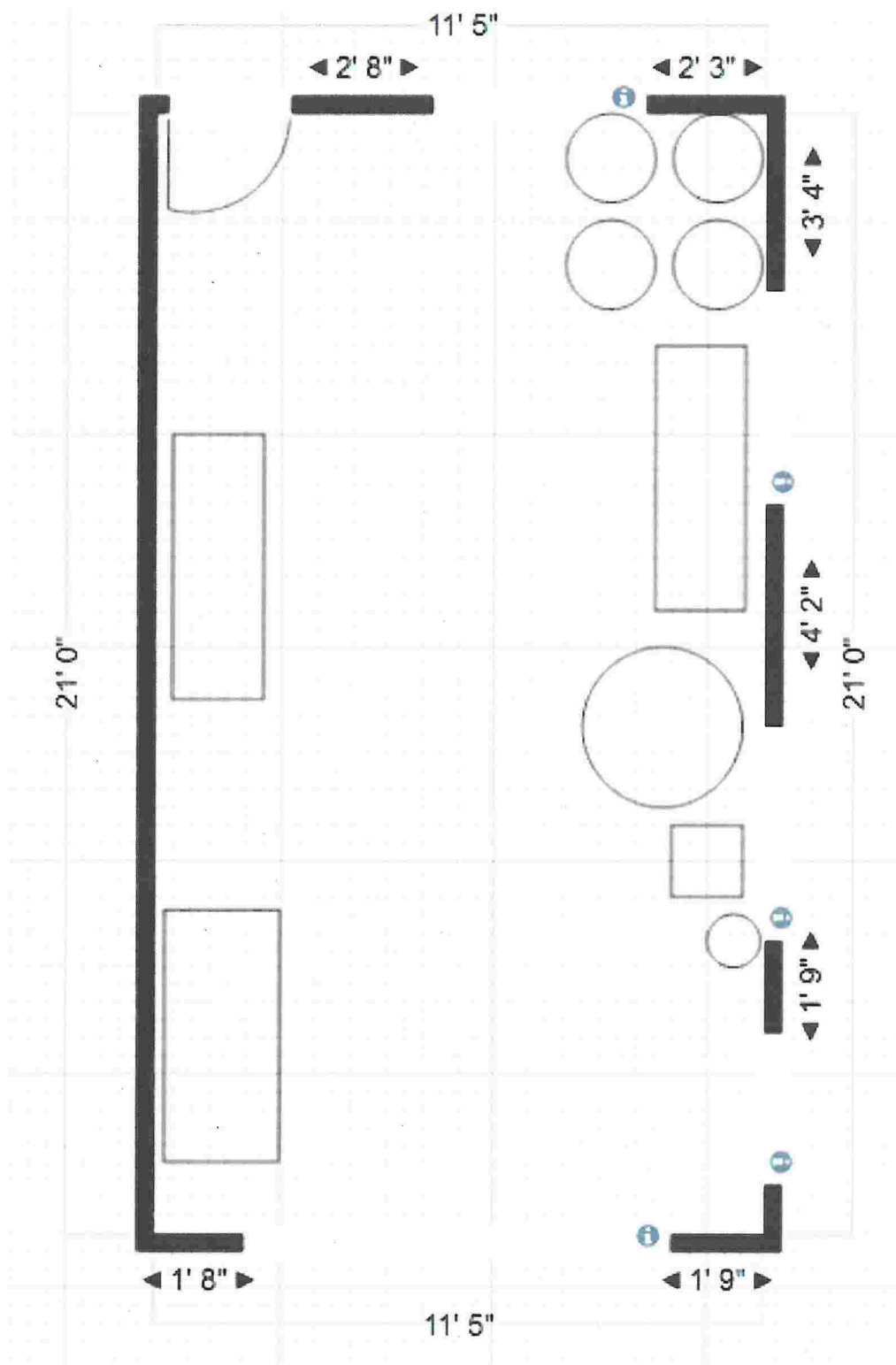


FLOOR PLAN – LAST MOUNTAIN BREWING COMPANY



PLEASE NOTE:

The floor plans on the following pages are in the garage which is a dedicated space for Manufacturing of Craft Beer for Last Mountain Brewing Company Ltd.





ADVISORY PLANNING COMMISSION REPORT

To: Advisory Planning Commission Members

Date: December 16, 2020

From: Hailey Rilkoff, Planner II

File No: Z 20-05

Subject: **Z 20-05, Zoning Amendment Application, 2485 Hayman Road**

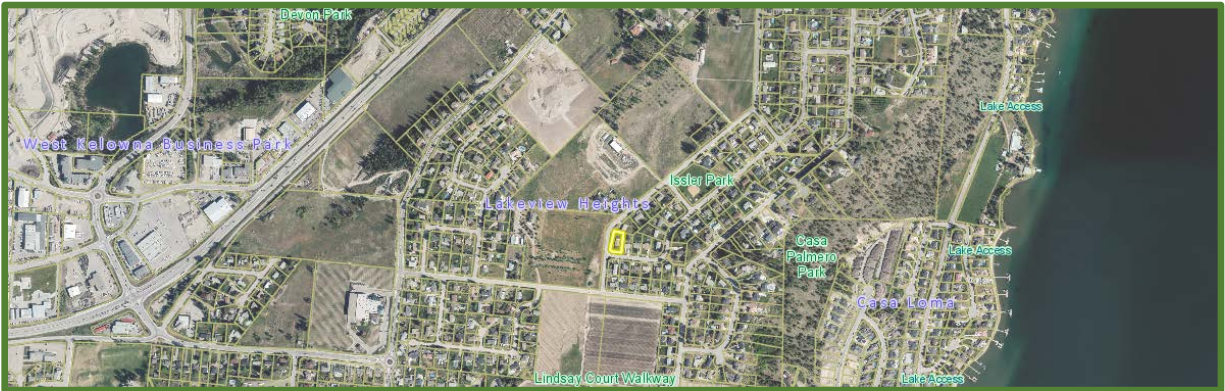
BACKGROUND

This application proposes to amend the zoning designation of a portion of the the subject property from the R1 – Single Detached Residential Zone to the RC3 – Single Detached Compact Residential Zone to support a future subdivision. The applicant is proposing to create one additional residential lot within the RC3 Zone, which could be developed with a Single Detached Dwelling. If the rezoning is successful, the applicant could apply for subdivision.

PROPERTY DETAILS			
Address		2485 Hayman Road	
PID		006-793-339	
Folio		36414409.156	
Lot Size		0.35 Acres (1,416.4 m ²)	
Owner	1254449 B.C. Ltd	Agent	Lorn Humenuik
Current Zoning	R1 – Single Detached Residential	Proposed Zoning	R1 – Single Detached Residential & RC3 – Single Detached Compact Residential
Current OCP	SFR – Single Family Residential	Proposed OCP	-
Current Use	Residential	Proposed Use	Residential
Development Permit Areas		None	
Hazards		N/A	
Agricultural Land Reserve		Adjacent to ALR (across Hayman Road)	

ADJACENT ZONING & LAND USES		
North	^	R1 - Single Detached Residential
East	>	R1 - Single Detached Residential
West	<	A1 – Agricultural (ALR)
South	v	R1 - Single Detached Residential

NEIGHBOURHOOD MAP



PROPERTY MAP



DISCUSSION

Subject Property

The subject property is 0.35 acres (~1,400 ft²), located on the corner of Hayman and Crestview Road. The subject property is located in the Lakeview Heights neighbourhood and is zoned R1 - Single Detached Residential. The property is currently developed with a single detached dwelling. The subject property is located nearby agricultural properties (ALR parcel across Hayman Road) and is surrounded by residential and agricultural land uses.

Proposal

The applicant is proposing to rezone a portion of the subject property to the RC3 – Single Detached Compact Residential Zone to facilitate a 2 lot subdivision. The new proposed parcel would have the RC3 zoning, while the remainder parcel, with the existing home, would retain the R1 zoning. The applicant has submitted a proposed plan of subdivision (Attachment 2) which shows the proposed new and remainder lot area and dimensions. This proposed plan is subject to an additional subdivision process.

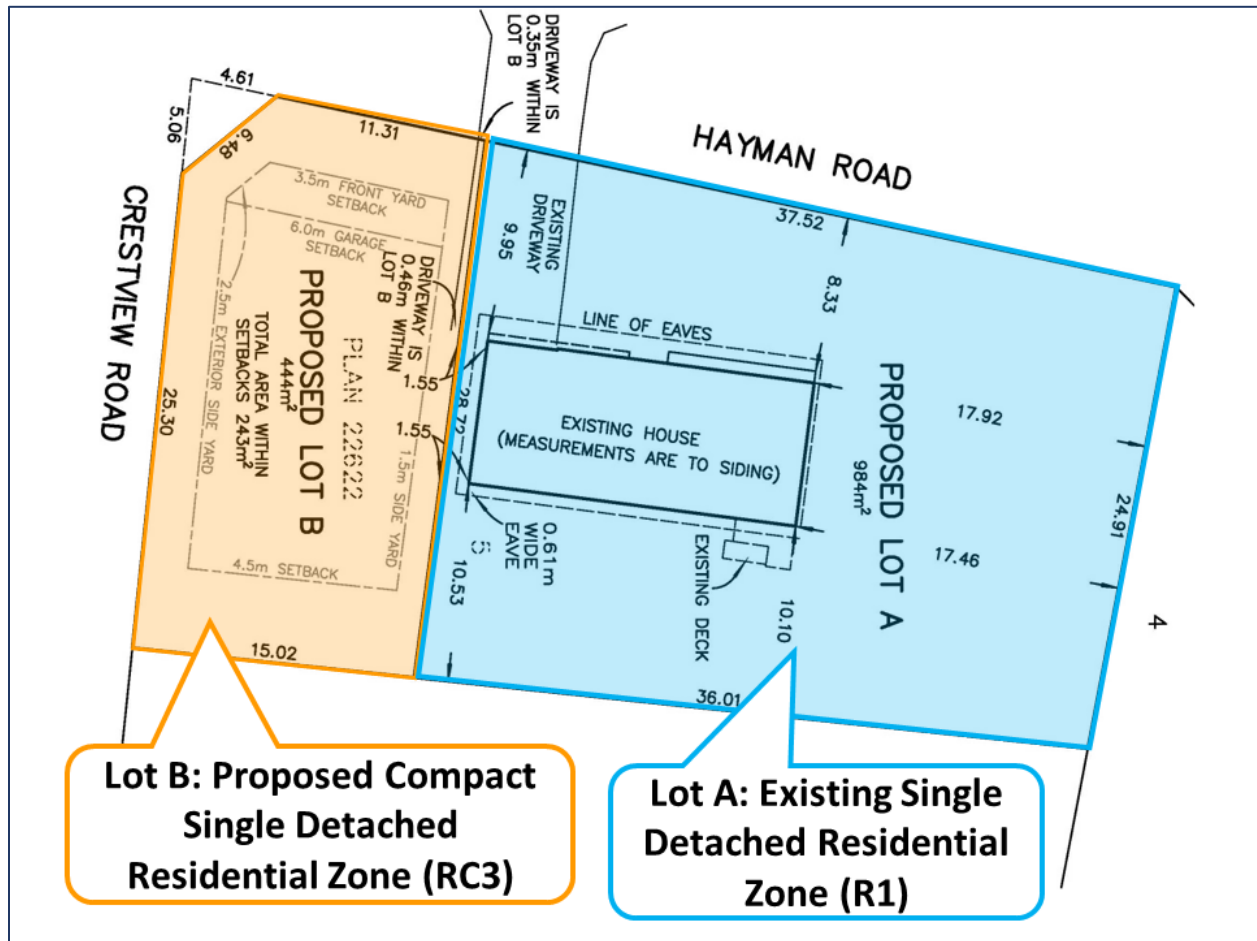


Figure 1 - Proposed Zoning Amendment

Bylaw & Policy Review

Official Community Plan Bylaw No. 0100

The property is within the City's *Neighbourhood Growth Management Designation*. This designation anticipates low and medium density residential areas, ground oriented residential, slower traffic movement, and a system of safe bicycle & pedestrian pathways. The purposes of this designation include:

- Protect & enhance local housing stock & existing neighbourhood character
- Provide opportunities for localized housing diversity at appropriate locations
- Work towards compact, complete communities that reduce vehicle trips, GHG emissions & foster a healthy, involved community

The property is within the City's *SFR – Single Family Residential* future Land Use Designation which permits single detached, duplex and carriage house building forms including compact or clustered housing. The purpose of this designation is to provide traditional single family housing opportunities and encourage more land efficient compact housing forms.

The property does not fall within any of the City's Development Permit Areas and as there is only one additional residential unit proposed a Form & Character Development Permit is not required.

Zoning Bylaw No. 0154

The proposal meets the minimum subdivisions regulations for both the remainder lot (R1 Zone) and the proposed new lot (RC3 Zone).

Subdivision Regulation	R1 Zone	Remainder Lot	RC3 Zone	Proposed New Lot
Min Parcel Area	550 m ²	984 m ²	325 m ²	444 m ²
Min Usable Parcel Area	330 m ²	984 m ²	195 m ²	444 m ²
Min Parcel Frontage	16.0 m	37.52 m	12.0 m	15.92 m (Hayman) 30.36 m (Crestview)

The RC3 Zone provides for a more compact single detached dwelling development pattern with a smaller parcel area than the R1 Zone. Attachment 3 includes excerpts from the Zoning Bylaw for the R1 and RC3 Zone subdivision and development regulations. This would be the first property in the neighbourhood to rezone to the compact residential zoning.

Technical Review

Functional Servicing Report

The applicant has provided a Functional Servicing Report, prepared by ARDA Consultants Ltd., which does not identify any new servicing concerns. The FSR identifies that both Hayman and Crestview Roads have an urban standard. Cash-in-lieu is proposed for the frontage works to bring Hayman and Crestview roads up to the required Urban Standard which include curb, gutter and a 1.5m paved pedestrian walkway separated from the road.

Referral Comments

Referral comments are being sought from various internal and external agencies in regards to the proposed rezoning. At the time of writing this report, no referral comments have been received and the referral period closes December 18th.

KEY CONSIDERATIONS

In providing recommendations to City staff and Council, the APC may wish to consider the following:

- The proposal aligns with the OCP's future Land Use Designation and Growth Management designation for the subject property.

- This would be the first property in the Lakeview Heights neighbourhood to have the compact residential zoning.
- Should Council give first and second readings to the zoning amendment bylaw, a Public Hearing will be held to provide an opportunity for residents to express any concerns with or anticipated

Specific comments would be appreciated should the APC have any concerns with the proposed [insert application type], so that they may be further investigated or considered prior to staff providing a recommendation to Council as part of consideration of the application.

Respectfully submitted,

Hailey Rilkoff

Hailey Rilkoff
Planner II

Powerpoint: Yes ☒ No ☐

Attachments:

1. Applicant's Rationale
2. Proposed Plan of Subdivision
3. RC3 & R1 Zone Excerpts from the Zoning Bylaw



August 13, 2020

**To: City of West Kelowna
2760 Cameron Road
West Kelowna, BC
V1Z 2T6**

Re: 2485 Hayman Road

Our Development Plans

To whom it may concern:

We purchased this house because we saw the opportunity to enhance the value of this property by developing a legal suite in the basement and creating an additional lot that could accommodate a new home. This corner lot is large enough to support this proposal, and we have had a surveyor prepare a proposed subdivision plan for your review. These improvements will substantially increase the value of the property, which in turn will increase your tax revenue... so hopefully we can all win!

We want to make this older home look like new. The roof was replaced within the last few years, but since we will be adding some new windows and door in the basement and building a new deck for the upper level, we will totally refinish the entire home with fresh acrylic stucco. It will look like a new house! The existing garage will be utilized for the basement suite. We want to develop another single car garage under the enclosed sundeck and have applied for another driveway access.

Attached is the Functional Servicing Report for the re-zoning and subdivision of the new lot. In addition to bringing the new power underground to the property and upgrading the fire hydrant to include three ports, we intend to remove most of the fruit trees on the new lot in the area where a house is to be built. So, at the end of the day instead of one home paying taxes on a property valued around \$650,000 the house with a suite will likely be worth around \$900 to \$950,000. A new home on the new lot could easily be in the range of \$750-850,000, so the total value after redevelopment could be close to triple the current value.

I have had considerable experience doing real estate developments on the Westside and in Peachland. I built the Acorn Homes brand and did more than 20 developments, building over 800 homes and condos. We used to have our office in Acorn Plaza on Carrington Road, a 30,000 square foot office rental building we constructed in 1996.

This little project on Hayman Road is a partnership with Richard Provost and our two companies.

Yours truly,


Sherwin Goerlitz
778-922-6750 cel

Richard Provost
250-863-6583

PROPOSED SUBDIVISION PLAN OF LOT 5 DISTRICT LOT 2689 ODYD PLAN 22622

PID: 006-793-339

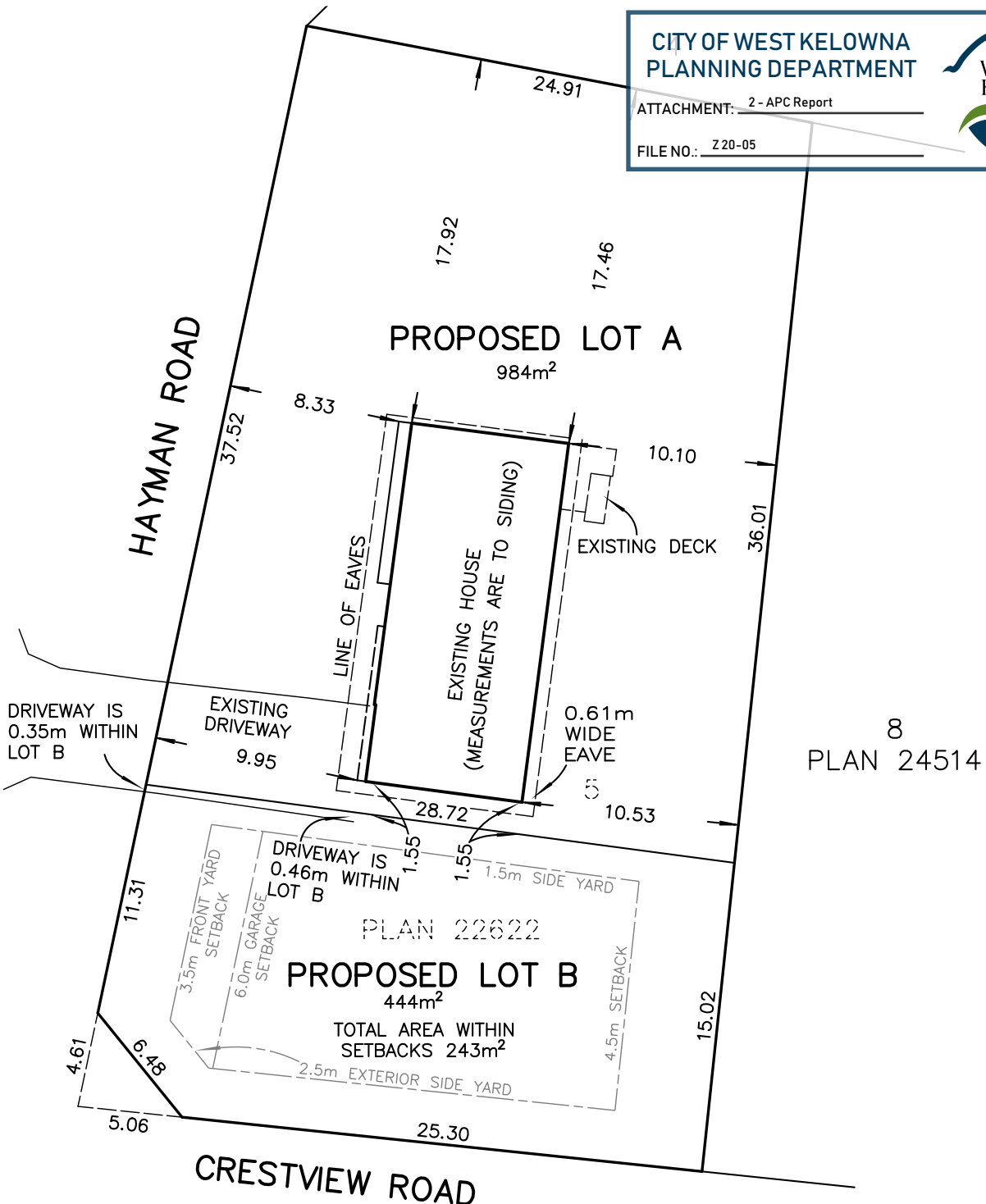
CIVIC ADDRESS: 2485 HAYMAN ROAD,
WEST KELOWNA

**CITY OF WEST KELOWNA
PLANNING DEPARTMENT**



ATTACHMENT: 2 - APC Report

FILE NO.: Z20-05



PROPERTY LINES ARE APPROXIMATE AND
ARE SUBJECT TO A FULL LEGAL SURVEY

CLIENT: ACORN DEVELOPMENTS

DATE: JUNE 29, 2020

SCALE: 1:300 METRES

FILE: 22223

DRAWN BY: RD

Ferguson Land Surveying & Geomatics Ltd.

BC AND CANADA LAND SURVEYORS 404-1630 PANDOSY STREET, KELOWNA, BC
PHONE: (250) 763-3115 FAX: (250) 763-0321

© Ferguson Land Surveying & Geomatics Ltd., ALL RIGHTS RESERVED

THIS PLAN SHOWS REGISTERED CHARGES ON
TITLE THAT ARE DEFINED BY SURVEY PLAN OR
DESCRIPTION. UNREGISTERED INTERESTS HAVE
NOT BEEN INCLUDED OR CONSIDERED.

THIS PLAN IS FOR THE SOLE USE OF THE
CLIENT ONLY AND IS NOT TO BE USED FOR
THE RE-ESTABLISHMENT OF PROPERTY
BOUNDARIES.

10.3. COMPACT SINGLE DETACHED RESIDENTIAL ZONE (RC3)Bylaw No.
154.36**.1 Purpose**

To accommodate single detached residential use on parcels of land that are 325 m² and larger.

.2 Principal Uses, Buildings and Structures

- (a) Single detached dwelling

.3 Secondary Uses, Buildings and Structures

- (a) Accessory uses, buildings and structures
(b) Care facility, minor
(c) Home based business, major
(d) Secondary suite on parcels 550 m² (5,920.2 ft²) or greater

Bylaw No.
154.50**.4 Site Specific Uses, Buildings and Structures - *Reserved*****.5 Regulations Table**

SUBDIVISION REGULATIONS		
(a)	Minimum parcel area	325 m ² (3,498.3 ft ²)
(b)	Minimum usable parcel area	195 m ² (2,099.0 ft ²)
(c)	Minimum parcel frontage	12.0 m (39.4 ft)
DEVELOPMENT REGULATIONS		
(d)	Maximum density:	
.1	Single detached dwelling	1 per parcel
.2	Secondary suite	1 per parcel
(e)	Maximum parcel coverage	40%
(f)	Maximum building height:	9.0 m (29.5 ft) to a maximum of 3 storeys except it is 5.0 m (16.4 ft) for accessory buildings and structures
SITING REGULATIONS		
(g)	Buildings and structures shall be sited at least the distance from the feature indicated in the middle column below, that is indicated in the right-hand column opposite that feature:	
.1	Front parcel boundary or private access easement, whichever is closer	3.5 m (11.5 ft) except it is 6.0 m (19.7 ft) for a garage or carport having vehicular entry from the front
.2	Rear parcel boundary or private access easement, whichever is closer	3.0 m (9.8 ft)
.3	Interior side parcel boundary	1.5 m (4.9 ft)

Bylaw No.
154.50

.4	Exterior side parcel boundary or private access easement, whichever is closer	2.5 m (8.2 ft) except it is 6.0 m (19.7 ft) for a garage or carport having vehicular entry from the exterior side
.5	Parcels in another zone	4.5 m (14.8 ft)
.6	A1 Zone or ALR	15.0 m (49.2 ft) except it is 9.0 (24.6ft) if a level 1 buffer is provided.

.6 Other Regulations

- (a) Without limiting the application of the height regulation in Section 10.3.5(f), the height of any single building wall, measured from the lowest elevation of grade at the foot of the wall to the lower surface of the eave, or to the top of the wall in the case of a building without eaves, shall not exceed the lesser of 3 storeys or 9 m (29.5 ft).

(b) **Siting Regulations for Approved Subdivisions**

- .1 the regulations requiring a minimum distance between garages or carports having vehicular entry from parcel boundaries or private access easements, that is greater than the minimum distance required for other buildings and structures, and
- .2 the regulations requiring that the siting of a building or structure be determined in relation to the location of a private access easement, if it is closer to the building or structure than the relevant parcel boundary,

shall not apply to any parcel created by subdivision deposited in the Land Title Office before March 13, 2014 provided that the building permit authorizing the construction of the building or structure is issued before March 13, 2019.

Bylaw No.
154.06

Bylaw No.
154.36

10.4. SINGLE DETACHED RESIDENTIAL ZONE (R1)

.1 Purpose

To accommodate low density single detached residential use on parcels of land that are 550 m² and larger.

.2 Principal Uses, Buildings and Structures

- (a) Single detached dwelling

.3 Secondary Uses, Buildings and Structures

- (a) Accessory uses, buildings and structures
- (b) Bed and breakfast
- (c) Care facility, minor
- (d) Carriage house
- (e) Home based business, major
- (f) Secondary suite

.4 Site Specific Uses, Buildings and Structures

- (a) On Lot 1, Plan 44004, DL 581 ODYD, Except Plans KAP48178 & KAP53981: vineyard and one single detached/caretakers residence.

.5 Regulations Table

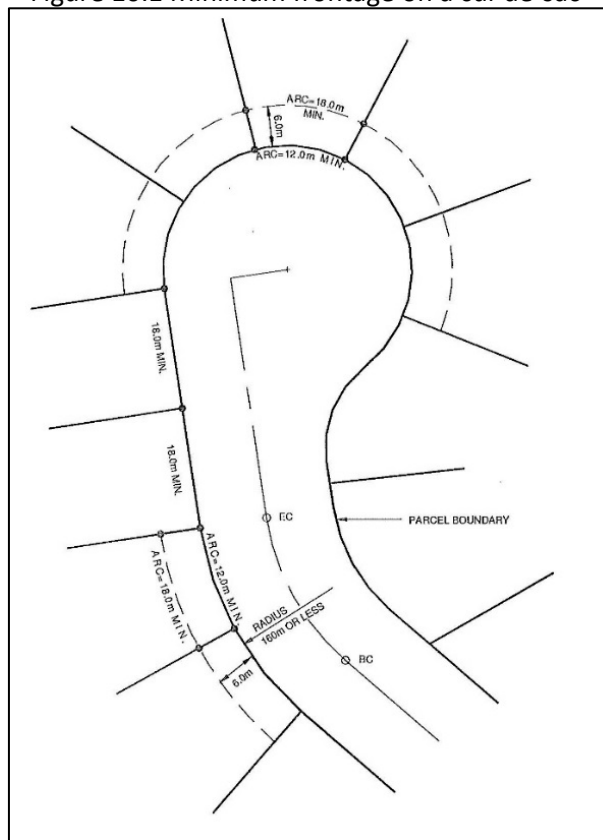
SUBDIVISION REGULATIONS		
(a)	Minimum parcel area	550 m ² (5,920.2 ft ²)
(b)	Minimum usable parcel area	330 m ² (3,552.1 ft ²)
(c)	Minimum parcel frontage	16.0 m (52.5 ft)
DEVELOPMENT REGULATIONS		
(d)	Maximum density:	
.1	Single detached dwelling	1 per parcel
.2	Secondary suite and carriage house	Only 1 secondary suite or only 1 carriage house per parcel
(e)	Maximum parcel coverage	40%
(f)	Maximum building height:	
.1	Single detached dwelling	9.0 m (29.5 ft) to a maximum of 3 storeys
.2	Accessory buildings and structures	5.0 m (16.4 ft)
.3	Carriage house	5.0 m (16.4 ft) to a maximum of 1 storey or 6.5 m (21.3 ft) to a maximum of 1.5 storeys where at least one parking stall is provided in the same building

SITING REGULATIONS		
(g)	Buildings and structures shall be sited at least the distance from the feature indicated in the middle column below, that is indicated in the right-hand column opposite that feature:	
.1	Front parcel boundary or private access easement, whichever is closer	4.5 m (14.8 ft) except it is 6.0 m (19.7 ft) for a garage or carport having vehicular entry from the front
.2	Rear parcel boundary or private access easement, whichever is closer	3.0 m (9.8 ft)
.3	Interior side parcel boundary	1.5 m (4.9 ft)
.4	Exterior side parcel boundary or private access easement, whichever is closer	4.5 m (14.8 ft) except it is 6.0 m (19.7 ft) for a garage or carport having vehicular entry from the exterior side
.5	A1 Zone or ALR	15.0 m (49.2 ft) except it is 9.0 (24.6ft) if a level 1 buffer is provided.

.6 Other Regulations

- (a) Without limiting the application of the height regulation in Section 10.4.5(f).1, the height of any single building wall, measured from the lowest elevation of grade at the foot of the wall to the lower surface of the eave, or to the top of the wall in the case of a building without eaves, shall not exceed the lesser of 3 storeys or 9 m (29.5 ft).
- (b) Without limiting the application of the height regulation in Section 10.4.5(f).3, the height of any carriage house wall, measured from the lowest elevation of grade at the foot of the wall to the lower surface of the eave, or to the top of the wall in the case of a building without eaves, shall not exceed the lesser of 1.5 storeys and 6.5 m (21.3 ft).
- (c) Despite Section 10.4.5(c), the parcel frontage may be less than 16.0 m (52.5 ft) for parcels on a cul-de-sac provided that the radius of the curvature along the parcel frontage is less than 160 m (524.9 ft) and the arc length along the parcel boundary is at least 12.0 m (39.4 ft) as illustrated in Figure 10.1.

Figure 10.1 Minimum frontage on a cul-de-sac



.7 Siting Regulations for Approving Subdivisions

- (a) The regulations requiring a minimum distance between garages or carports having vehicular entry from parcel boundaries or private access easements, that is greater than the minimum distance required for other buildings and structures, and
- (b) The regulations requiring that the siting of a building or structure be determined in relation to the location of a private access easement, if it is closer to the building or structure than the relevant parcel boundary,

shall not apply to any parcel created by subdivision deposited in the Land Title Office before March 13, 2014 provided that the building permit authorizing the construction of the building or structure is issued before March 13, 2019.



COUNCIL REPORT

To: Paul Gipps, CAO

Date: November 24, 2020

From: Hailey Rilkoff, Planner II

File No: P 20-16

Subject: **P 20-16 – Proposed Short Term Rental Program**

RECOMMENDATION

THAT Council consider and resolve to direct staff to further engage the community and stakeholders on the proposed Short Term Rental program as outlined in this report.

STRATEGIC AREA(S) OF FOCUS

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

EXECUTIVE SUMMARY

This report outlines the considerations for regulating short term rental accommodations in the City of West Kelowna. A proposed regulation program is outlined with a corresponding bylaw compliance and enforcement strategy as well as a stakeholder and public engagement plan.

BACKGROUND

On September 29, 2020, Council directed staff to review best practices for Short Term Rentals within the Okanagan Region and to prepare a draft regulatory program for Short Term Rentals. A draft program has been developed to be endorsed by Council, based on regionally consistent practices and incorporating the West Kelowna context. Stakeholder and public engagement will be sought to provide feedback on the draft program prior to bylaw amendments being considered by Council.

Additional resources have also been identified as a need for the City's Bylaw Compliance & Enforcement Department in order to proactively enforce and seek compliance with the upcoming changes to regulations around short term rentals.

Policy & Bylaw Review

Official Community Plan Bylaw No. 0100

The City's Official Community Plan (OCP) identifies the critical need to maintain the existing stock of affordable housing and increase opportunities for the development of new affordable housing. Affordable housing in the context of the City's OCP includes affordable home ownership, affordable rental accommodation and subsidized housing. The OCP supports secondary suites as a form of affordable infill housing, however the OCP's objectives, policies and actions do not currently address short term rentals.

When considering tourism, the OCP's Economic Sustainability objectives encourage a sustainable tourism economy with a strong economic mix¹ and providing services to a broad range of user groups². The OCP supports growth and change in the local economy, while placing importance on protecting residents' quality of life³.

Zoning Bylaw No. 0154

Currently, the Zoning Bylaw prohibits vacation rentals that are not bed and breakfasts, agri-tourism accommodations, or resort apartments and townhouse uses. Agri-tourism accommodations are permitted on A1 – Agriculture zoned properties while resort apartment and resort townhouse uses are permitted in the C6 – Tourist and Resort Commercial zone.

Bed and breakfasts, which are only permitted in single detached dwellings and must be operated by the dwelling's occupant, are permitted in a variety of zones as a secondary use. 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). A key difference between a bed and breakfast and a Short Term Rental is the expectation that a bed and breakfast is hosted and that the operator is on-site during a guest's stay.

Table 1 - Bed and Breakfast Regulations At a Glance	
Permitted Dwelling Forms	Within a Single Detached Dwelling
Parcel Criteria	Not permitted on properties with a Secondary Suite or Carriage House; Connection to community sewer system required (<i>unless written approval for septic disposal capacity</i>)
Occupancy	Up to 4 Guest Rooms (No more than 8 guests)
Operator	Must be the occupant of the Single Detached Dwelling
Bookings	Multiple bookings permitted
Required Parking	1.0 parking space per guest room
Business Licence Fee	\$135 – includes inspections

Short Term Rental Market

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). Pre-pandemic, there were 420 active short term

¹ OCP, 3.9.1 Economic Sustainability Objectives, Objective 4.

² OCP, 3.9.1 Economic Sustainability Objectives, Objective 5.

³ OCP, 3.9.1 Economic Sustainability Objectives, Objective 7.

rental units in West Kelowna (January 2020). Most short term rental listings in West Kelowna are entire homes (82%) and single detached dwellings (76%). In comparison, there are 372 traditional accommodation units in West Kelowna which includes hotel/motel rooms (158), resort rooms (148) and bed and breakfasts (66).

West Kelowna's Housing Context

The Regional Housing Needs Assessment prepared in November of 2019 for the Central Okanagan, outlined the current state of housing in the region, with some data specific to West Kelowna. The reports analysis of housing ownership for West Kelowna demonstrated that 84% of West Kelowna households are 'owner households' while 16% are 'renter households'⁴. According to 2016 Census data, West Kelowna's housing structure mix is primarily single detached dwellings (74%)⁵. Rental vacancy rates have been below 2% since 2013.⁶

Based on Business Licensing statistics, there are approximately 464 Secondary Suites in West Kelowna which have active, delinquent or inactive Business Licences. The Building Department has 51 permits for the legalization of unauthorized secondary suites which are in-stream. While there are additional unauthorized secondary suites within the City, there is no way to determine the number of these unauthorized suites. There are 17 Carriage Houses with active Business Licences.

Regional Practices

In conducting a review of regional practices, staff considered regulations that have been adopted or are under consideration in other local and BC municipalities. The regional municipalities reviewed were Kelowna, Lake Country and Penticton, with other BC municipalities including Gibsons, Nelson, Pemberton, Squamish, and Tofino. Many regulation components were consistent, such as requiring a business licence, a principal residence requirement for the operator, requiring on-site parking, and maximum occupancies for Short Term Rentals.

Guiding Principles

A Regional Planning Lab in 2019, led by the Regional District of Central Okanagan has identified the following four Regional Short Term Rental Goals⁷:

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 licensing*

Short Term Rental regulations are being proposed with consideration to the four regional goals, the current context in West Kelowna, and based on previous discussions with

⁴ Regional Housing Needs Assessment, Regional District of Central Okanagan, November 2019

⁵ Regional Housing Needs Assessment, Regional District of Central Okanagan, November 2019

⁶ How We Live, #OURWK, 2020

⁷ https://www.regionaldistrict.com/media/257325/Regional_Planning_2019_Winter_Bulletin.pdf

Council. The following are West Kelowna's proposed Guiding Principals in relation to Short Term Rentals:

1. *Mitigate Negative Neighbourhood Impacts*
2. *Protect Long Term Rentals*
3. *Recognize Importance of Short Term Rentals for Tourism*
4. *Comprehensive Licensing, Compliance & Enforcement*

DISCUSSION

Proposed Short Term Rental Regulations

The proposed draft regulation and enforcement program for Short Term Rentals are based on regionally consistent practices and the proposed Guiding Principles. The proposed regulation program for Short Term Rentals prioritize mitigating potential negative impacts to neighbourhoods and protecting the long-term rental inventory, while at the same time accommodating Short Term Rentals for the benefit of visitors and residents.

Table 2 - Proposed Short Term Rental Regulations	
Permitted Dwelling Forms	Within a Single Detached Dwelling
Parcel Criteria	Not permitted on properties with a Secondary Suite or Carriage House; Connection to community sewer system required (<i>unless written approval for septic disposal capacity</i>)
Occupancy	Up to 3 Guest Rooms (No more than 6 guests)
Operator	Must be the occupant of the Single Detached Dwelling;
Bookings	Only 1 booking at a time permitted
Required Parking	1.0 parking space for 1-2 guest rooms 2.0 parking spaces for 3 guest rooms
Additional Licencing Requirements	Entire dwelling may be rented while operator is away (Maximum 6 guests)
	A local contact must be identified to respond to concerns if the operator is away
	Operator must sign a Good Neighbour Agreement
	Operator must provide proof of occupancy (through homeowner grant, drivers licence, government records or utility bills)
	Operator must provide a Self-Evaluation Safety Audit

The proposed regulations were developed to be consistent with the City's Bed & Breakfast regulations. Key differences include a reduced occupancy of only 3 guest rooms to a maximum of 6 guests, only one booking at a time permitted, and that the entire dwelling may be rented while the operator is away. See Attachment 1 for a comprehensive overview of the draft Short Term Rental regulations and which City bylaws they would be included within.

Other Regulation Options

While the above regulations outline the proposed regulation program based on the Guiding Principles and regionally consistent practices, other options which may be considered based on Council direction and results of the proposed Public & Stakeholder Engagement Program could include:

- Permitting Short Term Rentals on properties with Secondary Suites or Carriage Houses (while restricting the Short Term Rental to within the Single Detached Dwelling);
- Permitting Short Term Rentals within Secondary Suites or Carriage Houses (Only one dwelling would be permitted as a Short Term Rental per property);
- Higher licence fees may be considered for Secondary Suites and Carriage Houses to work to protect long-term rentals;
- Licence caps to limit the number of Short Term Rental business licences within the City or within specific neighbourhoods or geographic areas;
- Requirement of a Short Term Rental operator to notify neighbours of the use and contact information in case of any neighbour concerns; or
- Restrictions on the number of nights a Short Term Rental can be rented for annually.

The above options were all regulatory or licencing approaches seen in effect within a BC municipality, however they were not identified as a regionally consistent practice. Additional technical review may be required for the inclusion of any of the above regulatory options to determine applicability of other regulations (such as BC Building Code) and how to administer or manage additional restrictions such as licence caps or maximum rental nights.

Business Licencing

Operator and Local Contact

The operator of a Short Term Rental must be the occupant of the Single Detached Dwelling. This could be the owner of the property as confirmed by the homeowners grant, or a long-term tenant of the property (with approval from the owner) as confirmed by a driver's licence, government records or utility bills in the operator's name. This requirement is to ensure that the operator maintains the dwelling as their principal residence (where the operator lives, conducts daily affairs, and is generally the residence used for government records). An operator may rent the entire dwelling during times when they are away, however the maximum of 6 guests must still be met.

A local contact is required to be identified as part of the application for a Short Term Rental business licence. The local contact must be available to respond to City staff concerns within a reasonable time frame when the operator of a Short Term Rental is away.

Good Neighbour Agreement

Operators applying for a Short Term Rental business licence will be required to sign a Good Neighbour Agreement, which outlines a code of conduct and expectations for the

operator to adhere to, which will reiterate the applicable City bylaws and regulations. See Attachment 1 for an example of a draft agreement.

Fire Inspections

A Fire Inspection will be required for all Short Term Rentals as part of the initial application requirements. This is consistent with the Fire Department's inspection requirements for Bed & Breakfasts which, as of 2020, only require an 'Initial Inspection'. The Fire Department estimates that the time required to complete each inspection is 2.25 hours (including administration and travel time). Operators applying for a Short Term Rental business licence will also be required to complete a Self-Evaluation Safety Audit annually. Operators would complete the safety audit to attest that required safety devices and procedures are in place such as smoke alarms, fire extinguishers, carbon monoxide alarms, and fire safety plans. See Attachment 1 for an example of a draft safety audit.

Business Licences

Using projected rates of licensing of existing operators based on statistics provided by the City of Kelowna's Business Licencing Department, the following is a breakdown of potential revenues from licensing. West Kelowna could project approximately 96 Short Term Rental operators would obtain licences once regulations are in place (approximately 20% of the number of pre regulation listings).

Table 3 – Potential Licencing Numbers		
	Kelowna	West Kelowna (anticipated)
Pre Regulation Listings	2,700	420
Reduction % with Regulations	62%	62%
Post Regulation Listings	1,020	155
% Listings who Licence	62%	62%
Short Term Rental Business Licences	634	96

It is proposed that the Licence Fee for a Short Term Rental be determined with the goal to offset the proposed Bylaw Compliance & Enforcement Program. Table 4 provides a comparison of Business Licencing fees across the Province for Short Term Rentals regulated in a similar manner to West Kelowna's proposed regulations. The City's current Business Licence Fee for a Bed & Breakfast is \$135 annually.

Table 4 – Short Term Rental Business Licencing Fee Comparison							
Lake Country	Gibsons	Penticton	Pemberton	Kelowna	Nelson	Tofino	Squamish
\$100	\$200	\$180 - \$250	\$300	\$345	\$200 - \$450	\$450 - \$750	\$450 - \$900

Bylaw Compliance & Enforcement Program

The proposed Short Term Rental Compliance & Enforcement Program (Attachment 2), anticipates required staff resources, enforcement measures, identification of listed properties and proactive enforcement.

Table 5 - Proposed Short Term Rental Compliance & Enforcement Program

Additional Staff Resources	<ul style="list-style-type: none"> • Business Licencing Supervisor; • Casual clerk during initial intake period
Enhanced Enforcement Measures	<ul style="list-style-type: none"> • Short Term Rental regulations within Zoning & Business Licencing Bylaws; • Bulletin outlining requirements and expectations; • Additional Offences and Fines with new STR regulations; • Increased maximum daily fine of \$1,000
Identification of Short Term Rental Properties	<ul style="list-style-type: none"> • Third party contractor to identify listings on multiple sites; • Ongoing identification of new listings
Proactive Enforcement	<ul style="list-style-type: none"> • Third party contractor to send automated compliance letters; • Second letter to be sent within 30 days if no response received; • Referred to Bylaw for enforcement action if compliance is not achieved.

Additional Staff Resources

As part of the 2021 budget, staff are requesting a full time Business Licencing Supervisor be responsible for and oversee the strategic direction of business licencing services. This position would lead the implementation of the Short Term Rental licencing program and manage the proactive enforcement of the Short Term Rental regulations.

It is also anticipated that the Business Licence Clerk (currently a 0.5 FTE term position) would be unable to solely manage the initial round of Short Term Rental business licence applications once regulations are in place. This 0.5 FTE term position will be reviewed later in 2021 for full time status. The utilization of a casual Clerk during the initial intake period (Spring/Summer 2021) is proposed as needed.

Enhanced Enforcement Measures

Utilizing the regionally consistent practices approach to regulating short term rentals was also applied when reviewing enforcement options. It was important to ensure that the proposed regulations would be enforceable and it is proposed to introduce a graduating scale of penalties for non-compliance, with the ability for the Business Licence Supervisor to suspend or revoke a licence if compliance cannot be achieved within a reasonable time frame.

An overview of the potential new offences which would be introduced or enhanced as part of the bylaw amendments are included in Attachment 2. It is proposed to increase the maximum daily fine within the City's Municipal Ticket Information Utilization Bylaw No. 0095 (MTI Bylaw) to act as a deterrent for non-compliance from \$500 to \$1,000. Tickets under the MTI Bylaw can only be served in person and cannot be mailed.

Third Party Contractor

It is proposed that a third party contractor be used to provide proactive identification and communication to active Short Term Rentals. Staff have been in contact with one potential contractor who has provided an overview of potential services and costs, with costs based

on the number of listings requiring monitoring. Services proposed to be contracted include:

- address identification of active listings,
- automated compliance letters for listings who are in contravention of any of the regulations, and
- the ability to track the status and outcome of each compliance letter.

The procurement of a third party contract for these services would go through the Informal Quote or Formal Quote/Bid procurement process depending on the level of service determined to be required⁸.

It is anticipated that the use of a third party company to carry out the above noted services will significantly reduce the amount of enforcement that would normally expected to be needed by Business Licensing and Bylaw Compliance Staff to obtain compliance. Complaint based enforcement though the Bylaw Department will still be necessary and form part of the enforcement strategy, particularly as it relates to nuisance issues. After the Short Term Rental regulation program has been in effect for some time, third party monitoring may no longer be required as operators become familiar with the regulations and staff work to gain compliance.

Public & Stakeholder Engagement Plan

Council directed staff to prepare an engagement plan to seek public and stakeholder feedback on the draft Short Term Rental regulations. With current restrictions and public health advisories in effect due to COVID-19, staff will lead an online engagement process. Engagement is proposed to take place starting November 30th and run until the end of 2020. While there are identified limitations to conducting public engagement during December, with competing engagement programs and the holiday season, the timing was necessary in order to have regulations in place by the beginning of the 2021 tourism season. The timing proposed for the engagement was derived by working backwards from a proposed May 2021 implementation date.

It is the intent of the engagement plan to engage on proposed enforcement, regulation, and implementation of Short Term Rentals. It is not the intent of this engagement process to gauge public opinion on whether regulation is required, rather, how it is to be implemented, and to what extent it should be regulated. Once engagement is completed on the draft regulations, proposed bylaw amendments will be prepared for Council's consideration.

Proposed Engagement Tools

A project webpage is available on the City's website which includes background information on the project, key timelines, and links to the online questionnaire (when available). The project webpage will be updated regularly as the project progresses and provides a hub for information on the proposed Short Term Rental regulations.

⁸ Section 5.3 Purchasing Thresholds & Process Requirements, CWK Purchasing Policy

It is proposed to utilize the City's new engagement platform, Engagement HQ (Bang the Table) to deliver the online questionnaire. The questionnaire will outline the proposed regulations and seek feedback from stakeholders and the public on whether the draft program presented addresses the context of West Kelowna. Staff will use the questionnaire results to inform the refinement of draft regulations in addition to City policies and guidelines, regionally consistent practices and internal department requirements and feedback.

Table 5 - Proposed Public & Stakeholder Engagement Plan	
City Webpage	<ul style="list-style-type: none"> Project webpage serves as a hub for access to information, updates, and ways to stay involved in the engagement process.
Engagement HQ Questionnaire	<ul style="list-style-type: none"> Online questionnaire for public and stakeholders to provide feedback through Engagement HQ (Bang the Table); Option for residents to pick up a paper copy of the questionnaire if needed.
Social Media Posts	<ul style="list-style-type: none"> Regular social media posts throughout the engagement process; Posts will provide background information and ways to be involved; Posts to update on the engagement process; Utilizing Facebook, Instagram, Twitter
E-Notifications	<ul style="list-style-type: none"> Email Notification at the launch of the engagement process to existing City mailing list; Key messaging will direct interested recipients to the online questionnaire and project webpage
Newspaper Ads	<ul style="list-style-type: none"> Two newspaper advertisements in West Kelowna News; Provide project information and how to access the online questionnaire.

Engagement Audience

Public engagement with the community of West Kelowna will gather feedback on the proposed regulations and provide a lens from residents. Public engagement is meant to capture those not directly involved in the Short Term Rental industry, but may have a vested interest in the operation of these businesses. Neighbourhood Associations will be invited to participate in the online questionnaire.

Community stakeholders have been identified that will be invited to participate in the engagement process, and may encourage and advocate for others to participate as well. Stakeholders have been identified and include Short Term Rental operators, accommodation and tourism providers, and industry associations.

All three Council Committees will be engaged for comments regarding the proposed regulations (Agricultural Advisory Committee, Advisory Planning Committee and Economic Development Committee). Internal departments have been referred and participated in preparation of the proposed draft regulations. Ongoing input from internal departments will be required as the proposed regulations are further refined and administrative details of business licensing are determined.

NEXT STEPS

Following Councils endorsement of the proposed Short Term Rental regulations, public and stakeholder engagement will begin. Once engagement is completed (by the end of 2020), starting in early 2021 staff will review the results of the questionnaire and comments received from Council committees and various internal and external agencies. The proposed regulations may be refined or amended based on the results of the engagement, while maintaining regulations that are based upon the Guiding Principles and are regionally consistent.

Staff will then draft bylaw amendments to regulate the operation, licencing and enforcement of Short Term Rentals for Councils consideration, and if supported, will be moved forward to a public hearing. Staff anticipate regulations could be adopted by April/May of 2021 at the beginning of the tourism/accommodation season. Bylaw amendments will be required to the following bylaws:

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

FINANCIAL IMPLICATIONS

It is not anticipated that Business Licencing fees for Short Term Rentals would be able to completely cover the required resources necessary to implement the program. A budget request has been submitted by the Development Services Department for the Business Licencing Supervisor position. Additional resources will be required to be allocated to the Short Term Rental program to achieve the proposed compliance and enforcement program.

Potential annual costs for third party monitoring (based on the projected number of listings post regulation of approximately 155) are estimated at \$3,000 CAD for compliance monitoring and \$5,000 CAD for address identification. This cost may be higher in the first year of regulation if listing numbers are higher.

The Province has an agreement with one online accommodation platform (OAP) for Short Term Rentals, AirBnB, to automatically collect a Municipal and Regional District Tax

(MRDT) from all bookings. Only municipalities with an MRDT in place receive OAP revenue disbursed by the Province. West Kelowna does not currently have an MRDT in place. Consultation and support from tourism industry stakeholders would be required as well as a minimum of 51% of accommodation providers (representing 51% of the total accommodation units) in support of the MRDT application to the Province. ⁹

COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution No.
September 29, 2020	Council provided direction to staff that short term rentals be regulated, and that the creation of regulations for short term rentals be done through the review of regional practices and consultation with both stakeholders and the public. Council's direction followed the decision points presented to Council.	-
September 17, 2019	THAT 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.	C327/19

REVIEWED BY

Brent Magnan, Planning Manager

Mark Koch, Director of Development Services

Shelley Schnitzler, Legislative Services Manager/Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. Draft Short Term Rental Regulations
2. Draft Compliance & Enforcement Program
3. Draft Engagement Plan

⁹ Destination BC – MRDT Program Requirements <https://www.destinationbc.ca/what-we-do/funding-sources/mrdt/program-requirements-application-procedure/>



PROPOSED SHORT TERM RENTAL REGULATIONS

File No: P 20-16
Subject: Proposed Bylaw Amendments & Regulations

CITY OF WEST KELOWNA
PLANNING DEPARTMENT

ATTACHMENT: 1

FILE NO.: P 20-16



Zoning Bylaw No. 0154

SHORT TERM RENTALS

- .1 A short term rental shall only be conducted within a principal single detached dwelling.
- .2 An occupant of the single detached dwelling shall be the operator of the short term rental.
- .3 No more than 3 guest rooms are permitted in a short term rental and no more than 6 guests are permitted in a short term rental at any one time.
- .4 Guest rooms shall only be rented for rental periods of less than 1 month.
- .5 A short term rental is permitted to have no more than 1 non-internally illuminated sign to a maximum size of 3000 mm² (465 in²) 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 short term rental is in operation on any parcel, except for permitted signage and required parking.
- .7 A short term rental 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 short term rental is not permitted on a parcel that contains a secondary suite or carriage house.

PARKING REGULATIONS

USE	NUMBER OF REQUIRED PARKING SPACES
Short Term Rental	1.0 per 1 or 2 guest rooms 2.0 per 3 guest rooms

Business Licencing and Regulations Bylaw No. 0087

DEFINITIONS

“Short Term Rental” means the accessory use of a single detached dwelling, or a portion of it, that provides temporary accommodation for paying guests for a period of less than 30 days, but does not include Bed & Breakfast.

SHORT TERM RENTALS

.1 A person must not carry on business as an operator of a short term rental unless the person holds a valid licence issued under the provisions of this Bylaw.

.2 Without limiting Section 2.1, a person applying for the issuance or renewal of a licence to operate a short term rental must, in addition to meeting the requirements of Zoning Bylaw No. 0154:

- (a) Make an application to the Licence Inspector on the form provided for short term rental business licence applications;
- (b) Provide, in the form satisfactory to the Licence Inspector, evidence that:
 - a. The operator owns the dwelling where the short term rental is offered, or
 - b. The owner of the property has consented to the use of the property as a short term rental;
- (c) When the property where the short term rental is offered is located within a Strata, provide a letter from the strata council confirming that the use of the dwelling for short term rentals does not contradict any bylaws of the strata corporation or applicable provisions of the Strata Property Act;
- (d) Provide in the form satisfactory to the Licence Inspector, evidence that the premises where the short term rental is offered is occupied by the operator as their principal residence;
- (e) Provide the name and contact information for a Local Contact who is designated by the operator as an alternate contact for the Short Term Rental accommodation;
- (f) Submit in the form satisfactory to the Licence Inspector a Self-Evaluation Safety Audit;
- (g) Provide a floor plan of the dwelling in which the short term rental is offered, identifying the location of smoke alarms, carbon monoxide alarms, fire extinguishers, fire exits, each guest room, the types of bed in each guest room and the location of any sofa beds (Fire Safety Plan);
- (h) Provide a parking plan which complies with the parking requirements of Zoning Bylaw No. 0154; and
- (i) Provide any other information the Licence Inspector may require for the purposes of ensuring compliance with the City's bylaws and other enactments.

.3 The operator of a short term rental must ensure that any marketing or listing for the short term rental includes the licence number of a valid licence issued for that dwelling under this Bylaw.

.4 Should the operator of a short term rental be absent overnight from their principle residence at a time when the short term rental is rented, the operator must ensure that the name and contact information of the Local Contact is prominently displayed in the dwelling.

.5 The operator or Local Contact of a short term rental must respond or attend at the dwelling within 2 hours of being requested to do so by the Licence Inspector.

.6 An operator of a Short Term Rental must:

- (a) Operate a short term rental only within a licenced dwelling;
- (b) Display the licence inside the entry way to the dwelling;
- (c) Display in each approved guest room, and in the entryway of the Short Term rental accommodation, a fire safety plan; and

- (d) Ensure that no more than one booking is permitted for the short term rental within the dwelling at one time.

.7 An operator of a short term rental must not:

- (a) Rent out any guest rooms or provide any sleeping accommodation within any secondary suite, carriage house, vehicle, recreational vehicle, tent or accessory building; or
- (b) Allow to be used as guest rooms, any rooms that are not approved and identified on the licence application for that dwelling as guest rooms.

DRAFT

Short Term Rental Operator Good Neighbour Agreement

This agreement made this _____ day of _____, 20____

WHEREAS _____ (the "Operator"):

Wishes to demonstrate to the City of West Kelowna (the "City"), and the Citizens of West Kelowna their effort to be a responsible Short Term Rental operator within the City of West Kelowna.

Recognizes their role as a responsible operator and neighbor within the community and agrees to work with the City and its departments to resolve all concerns.

Wishes to promote West Kelowna as a vibrant, safe, and attractive community for the enjoyment of everyone, including residents, visitors, businesses, and their workers.

Recognizes that non-compliance with the Short Term Rental Operator Good Neighbour Agreement may be brought to the attention of the Business Licensing Supervisor, Licence Inspector, or City Council, and may trigger a licence suspension and/or revocation hearing.

Recognizes that Short Term Rental operators have a civic responsibility to address the conduct of their guests; and that the Good Neighbor Bylaw No. 0151, Traffic Bylaw No. 0092 and other City Bylaws require that certain standards of conduct and maintenance apply to their properties used for Short Term Rentals.

Recognizes that should the Operator's licence be suspended or cancelled and any Short Term Rental bookings and/or nuisance incidents pertaining to the operation of a Short Term Rental continue to occur and remain unresolved, the City may exercise its power to pursue additional enforcement action including increasing fines and/or legal injunctive action.

AND WHEREAS the City wishes to:

Commend the Operator for their recognition of their civic responsibilities, and commitment to fostering a good working relationship with the City and the Operator's neighbours.

Demonstrate its commitment to early resolution of disputes with the Operator in relation to this Agreement whenever possible.

NOW THEREFORE in conjunction with and in consideration of obtaining, continuing to hold, or renewing a Short Term Rental business licence, the Licensee covenants and agrees with the City to comply with the conditions set out in Business Licencing and Regulation Bylaw No. 0087.

IN WITNESS WHEREOF the parties have executed this agreement in the City of West Kelowna, Province of British Columbia, this _____ day of _____, 20____

The business Operator
by its authorized signatory
(Owner/Operator)

On Behalf of the City of West Kelowna
by its Business Licence Inspector

X. _____

X. _____

Short Term Rental Self-Evaluation Safety Audit Attestation

Please initial each section applicable to your Short Term Rental
and return to City of West Kelowna Business Licencing Department:

Owner/Operator: _____

Emergency Contact name/phone: _____

Address: _____

Phone: _____ Email: _____

- | | (initial) |
|---|-----------|
| 1. Smoke Alarms tested & logged monthly (As per BC Fire Code) | _____ |
| 2. Fire Extinguisher Service – (annual service by Certified Technician) | _____ |
| 3. Fire Safety Plan posted (review and update annually) | _____ |
| 4. Means of egress operable and unobstructed (bedroom doors & windows) | _____ |
| 5. Carbon Monoxide Alarms tested annually (as per manufactures recommend) | _____ |
| 6. Electrical installations used and maintained so as not to constitute a fire hazard | _____ |
| 7. Barbeque soap leak test (propane or natural gas) annually | _____ |
| 8. Chimney cleaning – if applicable _____ | _____ |
| 9. Interior/Exterior passage ways maintained free and clear of obstructions | _____ |

Note: The City and/or West Kelowna Fire Department may conduct random inspections annually for safety compliance.

I hereby attest that the above have been tested, inspected and maintained as required by the City of West Kelowna's Business Licence and Regulation Bylaw No. 0087 and submittal of this safety audit report checklist is assurance that the conditions are consistent with those set out within City of West Kelowna Business Licence and Regulation Bylaw No. 0087.

Owner/Operator Signature: _____ Date: _____



PROPOSED SHORT TERM RENTAL BYLAW COMPLIANCE & ENFORCEMENT PROGRAM

File No: P 20-16
Subject: Proposed Compliance & Enforcement

CITY OF WEST KELOWNA
PLANNING DEPARTMENT

ATTACHMENT: 2

FILE NO.: P 20-16



Staff Resources

Staff are requesting the addition of a new position, a full time Business Licensing Supervisor. This position would be responsible for and oversee the strategic direction of business licensing services through planning, developing and monitoring internal processes. The Business Licensing Supervisor would lead the implementation of an effective Short Term Rental regulation program, and manage the proactive enforcement of these regulations.

Currently the Business License Clerk position is located at the City Hall front counter and is a shared position with the Planning Department (0.5/FTE) for each department. The existing 0.5 business licensing clerk position term position, which will be filled as of November 23, is not anticipated to be able to also handle the expected influx of Short Term Rental applications. This 0.5 FTE term position will be reviewed later in 2021 for full time status. The additional application intake and review period (Spring/Summer 2021) will initially be supplemented with the use of a casual clerk as needed.

Enhanced Enforcement Measures

Utilizing the regionally consistent practices approach to regulating short term rentals was also applied when reviewing enforcement options. The Business Licence Supervisor would have the ability to suspend or revoke a licence if compliance cannot be achieved within a reasonable time frame under the Business Licencing Bylaw.

New offences would be introduced as part of the bylaw amendments to the Business Licencing and Regulation Bylaw No. 0087, Bylaw Dispute Adjudication Bylaw No. 0093, and Municipal Ticket Information Utilization Bylaw No. 0095. It is proposed to increase the maximum daily fine for some offences, to act as a deterrent for non-compliance, from \$500 to \$1,000. It was important to ensure that the proposed regulations would be enforceable and it is proposed to introduce a graduating scale of penalties for non-compliance with the Short Term Rental regulations.

Offences which would carry the maximum daily fine of \$500 under the Bylaw Dispute Adjudication Bylaw No. 0093 and \$1,000 under the Municipal Ticket Information Utilization Bylaw No. 0095 include operating a short term rental without a licence, permitting multiple bookings at one time, and using a secondary suite or carriage house for a Short Term Rental.

Offence	Bylaw	Maximum Daily Fine		Existing	Proposed
		Bylaw No. 0093	Bylaw No. 0095		
Contravene permitted uses (specified in each Zone)	Zoning	\$500	\$1,000	X	
Contravene Short Term Rental rules (1 st Offence)	Zoning	\$250	\$250		X
Contravene Short Term Rental rules (2 nd Offence)	Zoning	\$350	\$350		X
Contravene Short Term Rental rules (Continuing Offence)	Zoning	\$500	\$1,000		X
Contravene parking and loading standards	Zoning	\$100	\$100	X	
No Business Licence	Business Licencing	\$500	\$1,000	X	X
Marketing without Licence Number	Business Licencing	\$100	\$100		X
Fail to display Local Contact information	Business Licencing	\$100	\$100		X
Fail to attend short term rental within required time period	Business Licencing	\$250	\$250		X
Fail to display business licence	Business Licencing	\$50	\$50	X	
Fail to display fire evacuation plan in each short term rental guest room	Business Licencing	\$100	\$100		X
Operate short term rental contrary to licence conditions	Business Licencing	\$500	\$1,000		X
Permit multiple bookings at one time	Business Licencing	\$500	\$1,000		X
Use secondary suite or carriage house for short term rental	Business Licencing	\$500	\$1,000		X
Use unauthorized guest room for short term rental	Business Licencing	\$500	\$1,000		X

Third Party Contractor

To mitigate impacts to staff resourcing, it is proposed that a third party company with the expertise and sophisticated software needed to cost effectively identify Short Term Rental properties be contracted. The procurement of a third party contract for these services would go through the Informal Quote or Formal Quote/Bid procurement process depending on the

level of service determined to be required. This process could take up to 6-8 weeks prior to selecting a contractor to provide the service. A third party company that is the successful proponent of this process could reasonably need an additional 4-6 weeks to implement their program.

Staff have been in contact with one potential contractor who has provided an overview of potential services and costs, with costs based on the number of listings requiring monitoring. Services proposed to be contracted include address identification of active listings, automated compliance letters for listings who are in contravention of any of the regulations, the ability to track the status and outcome of each compliance letter.

IDENTIFICATION OF SHORT TERM RENTAL PROPERTIES

Short Term Rental listings can be spread across multiple websites, with new platforms for Short Term Rental listings being introduced all of the time. There are over 50 potential platforms for listing Short Term Rentals including AirBnB, VRBO (Vacation Rentals By Owner), HomeAway, and Booking.com. Short Term Rental listings are constantly being added, changed or removed.

Without utilizing a sophisticated data base system, there would be a significant drain on staff time to identify non-compliant Short Term Rentals. Address data is usually hidden from listings, a third party contractor would use both software and human analysts to identify the exact address and owner information for each identifiable Short Term Rental.

PROACTIVE ENFORCEMENT

Staff propose the use of the third party contractor to support the necessary compliance and enforcement efforts utilizing software capable of searching multiple listings across multiple online accommodation platforms to effectively provide accurate and enforceable information. The monitoring and communication services proposed would follow the below process with the assistance of the third party contractor:

- Identified non-compliant Short Term Rental properties would initially receive a letter advising of the compliance requirements;
- If there was no response, a second letter would be sent within 30 days;
- If compliance was not achieved or if there was still no response, the property would be referred to Bylaw for enforcement action.

The Business Licencing department would work to achieve compliance with the Short Term Rental through the letter notification process. The property would be referred to the Bylaw Department for follow up enforcement if compliance could not be achieved.

It is anticipated that the use of a third party company to carry out the above noted services will significantly reduce the amount of enforcement that would normally expected to be needed by Business Licensing and Bylaw Compliance Staff to obtain compliance. Complaint based enforcement though the Bylaw Department will still be necessary and form part of the enforcement strategy, particularly as it relates to nuisance issues.



PROPOSED SHORT TERM RENTAL PUBLIC & STAKEHOLDER ENGAGEMENT PROGRAM

File No: P 20-16
Subject: Proposed Engagement Program

CITY OF WEST KELOWNA
PLANNING DEPARTMENT

ATTACHMENT: 3

FILE NO.: P 20-16



Engagement Outcomes

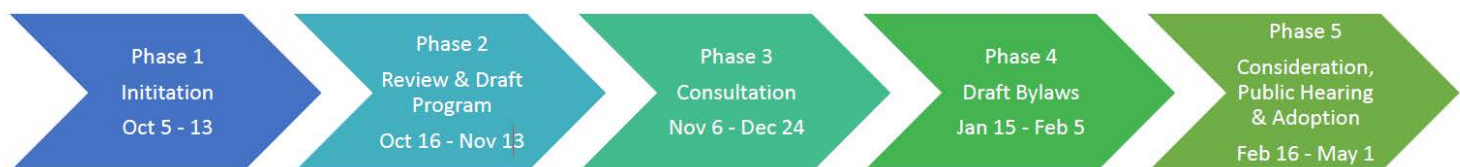
It is the intent of the engagement plan to engage the public and stakeholders on proposed regulation, enforcement and implementation of Short Term Rentals. It is not the intent of this engagement process to gauge public opinion on whether regulation is required, rather, how it is to be implemented, and to what extent it should be regulated. Once engagement is completed on the draft regulations, proposed bylaw amendments will be prepared for Council's consideration.

COVID-19

With current restrictions and advisories in effect due to COVID-19, staff will lead an online engagement process, as there are limited opportunities to have in-person meetings and engagement. If in-person engagement is required, physical distancing will be maintained, masks will be required in accordance with the City's policies and all recommendations from the BC Public Health Officer will apply.

Timeline

Staff propose to launch the online questionnaire, which is currently under development, on November 30th, 2020, with the questionnaire to close on December 24th, 2020 (Phase 3). Starting in early 2021 staff will review the results of the questionnaire and comments received from Council committees and various internal and external agencies (Phase 4).



Staff will then draft bylaw amendments to regulate the operation, licencing and enforcement of Short Term Rentals for Councils consideration, and if supported, will be moved forward to a public hearing (Phase 5). Staff anticipate regulations could be adopted by April/May of 2021 at the beginning of the tourism/accommodation season.

Engagement Audiences

Public engagement with the community of West Kelowna will be gather feedback on the proposed regulations and provide a lens from residents. Public engagement is meant to capture

those not directly involved in the Short Term Rental industry, but may have a vested interest in the operation of these businesses. Neighbourhood Associations will be invited to participate in the online questionnaire.

Community stakeholders have been identified that will be invited to participate in the engagement process, and may encourage and advocate for others to participate as well. Stakeholders have been identified and include Short Term Rental operators, accommodation and tourism providers, and industry associations.

All three Council Committees will be engaged for comments regarding the proposed regulations (Agricultural Advisory Committee, Advisory Planning Committee and Economic Development Committee). Internal departments have been referred and participated in preparation of the proposed draft regulations. Ongoing input from internal departments will be required as the proposed regulations are further refined and administrative details of business licensing are determined.

Stakeholder	Impact/Affect	Political/Social/Economic Influences
B&B Operators/Owners	<ul style="list-style-type: none"> Regulated, tourism and accommodations provider. 	<ul style="list-style-type: none"> Influence on Hotel, Resort, and STR prices.
Canadian Homebuilders Association	<ul style="list-style-type: none"> Development industry – housing and accommodations. 	<ul style="list-style-type: none"> Housing and development costs.
Greater Westside Board of Trade	<ul style="list-style-type: none"> Community interests in business, economy, growth, and tourism. 	<ul style="list-style-type: none"> Local business growth.
Hotels	<ul style="list-style-type: none"> Regulated, tourism and accommodations provider. 	<ul style="list-style-type: none"> Influence on B&B, Resort, and STR prices.
Local Tourism Businesses/Attractions	<ul style="list-style-type: none"> Tourism attractions. 	<ul style="list-style-type: none"> Local economies and tourism.
Neighbourhood Associations	<ul style="list-style-type: none"> Neighbourhood interests, housing, and quality of life. 	<ul style="list-style-type: none"> Community quality, attraction of or deterrent of accommodations.
RDCO	<ul style="list-style-type: none"> Regional interests in housing, affordability, health, and regulation. 	<ul style="list-style-type: none"> Interests in tax collection, regulation, licencing, fees, and fines.
Resorts	<ul style="list-style-type: none"> Regulated, tourism and accommodations provider. 	<ul style="list-style-type: none"> Influence on B&B, Hotel, and STR prices.
Short Term Rental Operators/Owners	<ul style="list-style-type: none"> Unregulated, tourism and accommodations provider. 	<ul style="list-style-type: none"> Influence on B&B, Hotel, and Resort prices.
Tourism Kelowna	<ul style="list-style-type: none"> Accommodations resource. 	<ul style="list-style-type: none"> Local economic interests and competition within region
UDI	<ul style="list-style-type: none"> Development industry – housing and accommodations interests. 	<ul style="list-style-type: none"> Housing and development costs.
Visit Westside	<ul style="list-style-type: none"> Accommodations resource. 	<ul style="list-style-type: none"> Local economic interests and competition within region.
West Kelowna Economic Development Committee	<ul style="list-style-type: none"> Interests in business, tourism, impacts to agriculture and growth. 	<ul style="list-style-type: none"> Local economic growth and business attraction.
Westbank First Nation	<ul style="list-style-type: none"> Municipal interests in housing, affordability, health, and regulation. 	<ul style="list-style-type: none"> Interests in tax collection, regulation, licencing, fees, and fines.

Engagement Platform Summary

A project webpage is available on the City's website which includes background information on the project, key timelines, and links to the online questionnaire (when available). The project webpage will be updated regularly as the project progresses and provides a hub for information on the proposed Short Term Rental regulations.

It is proposed to utilize the City's new engagement platform, Engagement HQ (Bang the Table) to deliver an online questionnaire. The questionnaire will outline the proposed regulations and seek feedback from stakeholders and the public on whether the draft program presented addresses the context of West Kelowna. Staff will use the questionnaire results to inform the refinement of draft regulations in addition to City policies and guidelines, regionally consistent practices and internal department requirements and feedback.

Engagement Platform	Activity Description Highlights/Objectives	Engagement Dates
CWK Web Page: Short-term Rentals Regulation	The CWK web project page will serve as a hub for access to information, updates, and ways to stay involved in the engagement process. The webpage will feature: <ul style="list-style-type: none"> - Background information - Reports - Questionnaire link - Project timeline and engagement process - Updates 	Phase 2 – 5 October 30 to May 1
Social Media Posts	Regular social media posts will be provided throughout the engagement process. Posts will be provided through a 'soft-launch' period, which will provide background information and ways to get involved, followed by the engagement phase which will provide users with regular updates on the process. Media outlets: <ul style="list-style-type: none"> - Facebook - Instagram - Twitter - City Webpage 	Phase 3 Soft Launch Nov 18 to Nov 24 Phase 3 Consultation Nov 30 to Dec 24 Phase 4 – 5 General Updates Jan to May
Questionnaire (EngagementHQ)	Questionnaire through EngagementHQ (Bang the Table). Questionnaire to include: <ul style="list-style-type: none"> - Level and measure of enforcement; - Fees and Fines; - Use and Regulation; and - Impact/benefit – personal and business. 	Phase 3 Nov 30 to Dec 24
E-Notifications	Notification sent to existing mailing list to include background and rationale. Key messaging will direct interested recipients to project website.	Phase 3 Pre-Launch Nov 23 to Nov 27 Reminder Dec 7 to Dec 11 Final Call Dec 20
West Kelowna News	Small advertisement – providing overview of proposed regulation of STRs in WK, and how people may get involved to have their say on how this should be enforced.	Phase 3 Nov 30 to Dec 24

LIMITATIONS

Engagement & Timing

Traditionally, public engagement during December can be a limitation for projects, as participation typically falls off as a result of competing interests in seasonal activities, travel, and holiday preparation. However, December is also a slower season for the tourism industry which may increase stakeholder engagement rates. While COVID-19 has impacted many aspects of travel and activities, there are still demands around the season that may limit the engagement process. To avoid a drop off in participation, or a lack of community input, the proposed draft engagement plan may be amended to include two consultation phases. The first could take place between November and December and focus on stakeholder engagement, and the second could take place in January and focus on community engagement. To ensure ample feedback is received for both processes, the online questionnaire would be live during the duration of both processes.

Competing Projects

During the scheduled timeline for Short Term Rental engagement, the City will also be undertaking the annual Citizen Survey, and Phase 2 engagement of OURWK – Community Visioning. Public burnout and participation fatigue is a possibility, and may impact the consultation process and quality.



ADVISORY PLANNING COMMISSION REPORT

To: Advisory Planning Commission Members

Date: December 16, 2020

From: Carla Eaton, Planner III

File No: Z 20-10

Subject: **Z 20-10, OCP and Zoning Amendment Bylaw No. 100.63 and 154.98 (APC), 2749 and 2769 Shannon Lake Road**

BACKGROUND

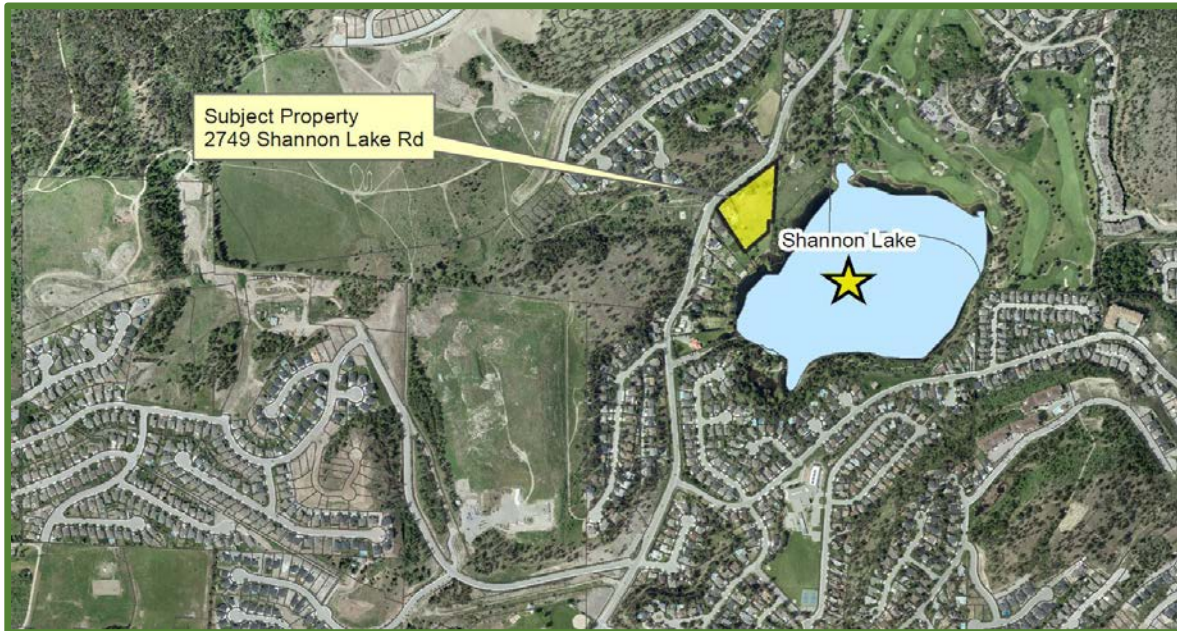
The applicant has applied to amend the Official Community Plan from Low Density Multiple Family to Mixed Use and Zoning Amendment from Low Density Multiple Residential Zone (R3) to Comprehensive Development Zone (CD 10) to facilitate a proposed development for congregate housing and multiple residential uses in the townhouse (up to 3 storeys) and apartment (up to 4 storeys) form to a maximum of 99 units, which may include some small-scale secondary commercial uses, on the 1.35 ha (3.336 acre) subject property (*Attachment 1 and 2*).

PROPERTY DETAILS			
Address		2749 and 2769 Shannon Lake Road	
PID		030-751-420	
Folio		36414117.017	
Lot Size		1.35 ha (3.336 acres)	
Owner	Suntory City Develop & Invest Group Inc.	Agent	Patrick Yang / Pacific West Architecture
Current Zoning	R3 Low Density Multiple Residential Zone	Proposed Zoning	CD10 Comprehensive Development Zone (Injoy Lakeview)
Current OCP	Low Density Multiple Family	Proposed OCP	Mixed Use
Current Use	Vacant residential	Proposed Use	Multiple Family and Congregate housing with small scale commercial
Development Permit Areas	Sensitive Terrestrial and Aquatic Ecosystem, Hillside and Form and Character		
Hazards	None identified		
Agricultural Land Reserve	N/A		

ADJACENT ZONING & LAND USES

North	^	A1 Agricultural and P1 Parks and Open Space (privately held)
East	>	R3 Low Density Multiple Residential (vacant)
West	<	R1L Large Parcel Single Detached Residential Zone, R3 Low Density Multiple Residential (vacant) and P1 Parks and Open Space (privately held)
South	v	Undeveloped dedicated park land and Shannon Lake

NEIGHBOURHOOD MAP



PROPERTY MAP



DISCUSSION

Subject Property

The subject property is accessed directly from Shannon Lake Road (see Figure 1 – blue line) with two vacant residences and grassy areas sloping upwards from Shannon Lake that were formerly used as pasture. The subject property was previously rezoned (File: Z 18-04) from Large Parcel Single Detached Residential (R1L) and Rural Residential Small Parcel (RU2) to the Low Density Multiple Residential (R3) zone on April 23, 2019 to facilitate a proposed townhouse development (approximately 65 units in 12 buildings). As a condition of the zoning, the two parent parcels were consolidated, the required land along Shannon Lake was dedicated as park, and a pedestrian statutory right of way was registered. Additional covenants were also registered on title to restrict future development until the following items have been constructed:

- off-site infrastructure installed to provide a lopped water connection,
- pedestrian crosswalk improvements across Shannon Lake Road,
- park improvements and environmental restoration within the dedicated foreshore park, and
- a 3 m wide pedestrian access between Shannon Lake Road and the foreshore park.

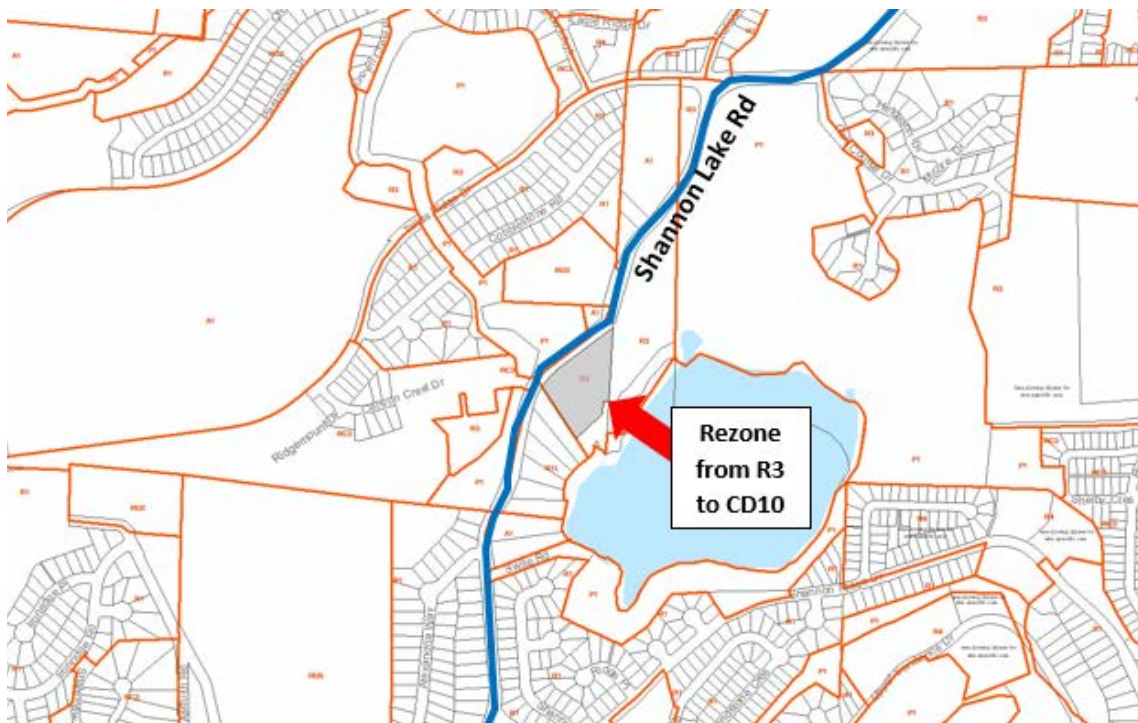


Figure 1: Location and Proposed Zoning Amendment

Proposal

The bylaw amendments include a draft comprehensive development (CD10) zone tailored to accommodate proposed land uses, setbacks and building forms that are a

combination of regulatory elements from the R3, R4, and R5 zones¹. In addition to townhouses up to three (3) storeys which are already permitted in the existing R3 zone, the proposed CD10 zone would permit congregate housing in apartment form up to four (4) storeys, as well as three small-scale commercial secondary uses² that would be ancillary to the congregate housing. The proposed zone will not change the minimum parcel area, minimum useable parcel area, parcel frontage, maximum density or maximum parcel coverage of the R3 zone. The proposed zone has also selected setbacks from each of the zones for each proposed use.

Applicant Rationale

As part of this application, the applicant has provided a proposal summary (*Attachment 3*) stating that the intent of the development is to provide a mix of multiple residential and congregate housing developments integrated with private and public amenity features adjacent to Shannon Lake Regional Park (see Figure 2 – Concept Plan). The overall vision for the development will incorporate principles of smart growth, a high level of urban design and sustainability, and “By providing a wide range of housing, the development respects the Varied Needs of West Kelowna’s Citizens.” The applicant is aware of the

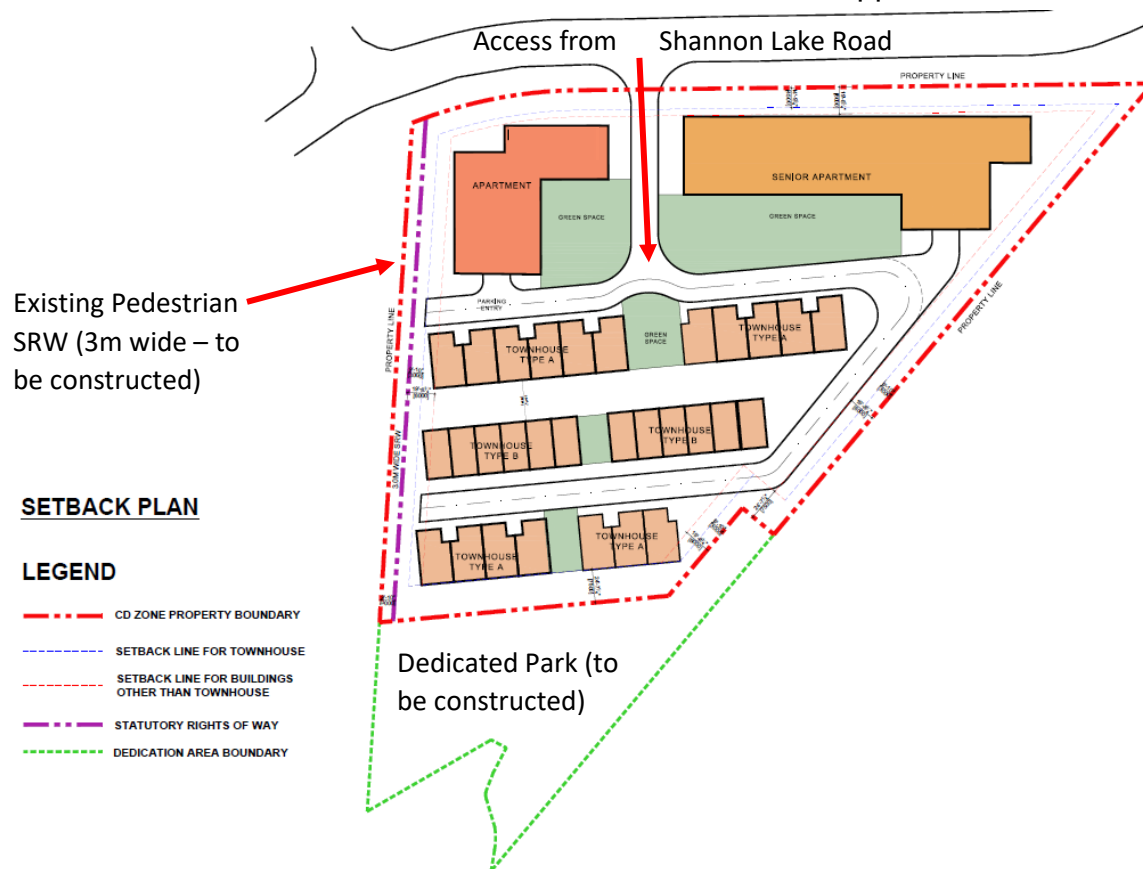


Figure 2: Concept Plan

SHANNON LAKE
previous zoning commitments regarding construction of off-

¹ R3 Low Density Multiple Residential, R4 Medium Density Multiple Residential, R5 Westbank Centre Multiple Residential Zone

² Proposed commercial secondary uses: Personal service establishment, Restaurant (except for drive-through restaurant), and Retail, general

site servicing and crosswalks, as well as park/trail improvements and restoration areas, and has integrated these commitments into their proposed development concept.

Policy and Bylaw Review

Official Community Plan (OCP) Bylaw No. 0100

OCP land use designation for the subject property is Low Density Multiple Family (LDMF). The proposed amendment to Mixed Use (Figure 3) will facilitate the proposed development which is a mix of multiple family residential and congregate housing, with some small-scale commercial secondary uses.

Residential policy encourages the sensitive integration of different housing forms in all residential growth areas in support of neighbourhood diversity and healthy communities. The proposed development still includes a mix of ground oriented townhouses with at-grade private entrances, which is considered an appropriate form of infill housing that has the ability to complement the type, form, scale and use of the surrounding neighbourhood. Although the proposed addition of congregate housing and apartment form up to four (4) storeys is a challenge to OCP policy which typically encourages greater building height and higher density development within the Westbank Centre.

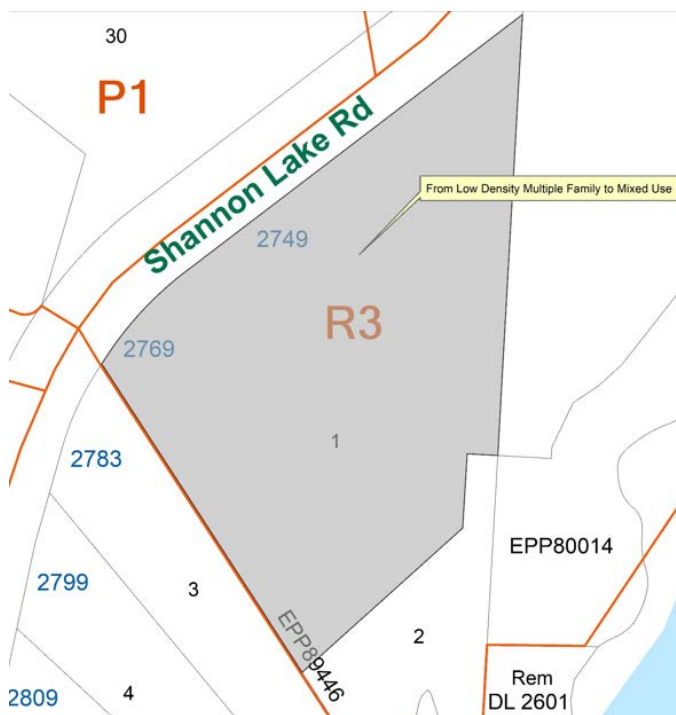


Figure 3: Proposed Mixed Use Land Use Designation

However, the proposed development is not proposing to increase density but is rather proposing a more compact apartment building form that will increase greenspace on the site in comparison to a townhouse only development. This type of consideration is consistent with OCP policy that supports the consideration of density bonuses to aid in the protection of green space and natural or open space. The proposed Mixed Use land use designation also supports the retention of compatible service-related and low intensity commercial uses within a livable community, where these uses can be integrated with a sensitive transition to adjacent uses. The proposed amendment does not affect the trail construction and park improvements secured through previous rezoning and neighbourhood planning processes, which are consistent with OCP policy regarding interconnected linear trails and park systems.

Zoning Bylaw No. 0154

The proposed Comprehensive Development (Injoy Lakeview) CD10 zone is intended to accommodate multiple residential in townhouse and apartment form, while also permitting the congregate housing use (*Attachment 2*). As shown in Table 1, the proposed zoning amendment will not increase density for the site but will adjust maximum building height, number of storeys, and setbacks to accommodate the proposed apartment form allowing for a reduced hillside disturbance and building footprint, as well as increased greenspace. Additionally, the CD10 zone has proposed standard amenity space provisions for the multiple residential units, as well as standard common dining and community space requirements for congregate housing. The conceptual development boundary will meet the required minimum parcel size, frontage, and parcel coverage for the R3 zone (*Attachment 4* and Concept Plan shown in Figure 2 above).

Table 1: Comparative Summary of Density and Uses across Zones That Permit Multi-family Uses

Regulation	R3 Zone	R4 Zone	R5 Zone	Proposed CD10
Min parcel area	1000 m ²	1400 m ²	1600 m ²	1000 m ²
Min parcel frontage	30 m	30 m	30 m	30 m
FAR	0.75	1.0	1.4 (surface parking) – 1.8 (non-surface parking)	0.75 (to a max of 99 units)
Max parcel coverage	40%	50%	60%	40%
Max building height	<ul style="list-style-type: none"> 9 m to a max of 3 storeys (5 m for accessory buildings & structures) 	<ul style="list-style-type: none"> 12 m to a max of 3 storeys (5 m for accessory buildings & structures) 	<ul style="list-style-type: none"> 15 m to a max of 4 storeys (5 m for accessory buildings & structures) & options for 6 storeys w/density bonus 	<ul style="list-style-type: none"> Townhouse to 9 m to a max of 3 storeys Any other built form than a townhouse to 15 m to a max of 4 storeys (except 5 m for accessory buildings & structures)
Principal uses	<ul style="list-style-type: none"> Care facility, major, in duplex or townhouse form only Duplex Group home, in duplex or townhouse form only Townhouse 	<ul style="list-style-type: none"> Apartment Care facility, major, in duplex, townhouse or apartment form only Duplex Group home, in duplex, townhouse or apartment form only Townhouse 	<ul style="list-style-type: none"> Apartment Care facility, major, in townhouse or apartment form only Congregate housing Group home, in townhouse or apartment form only Townhouse 	<ul style="list-style-type: none"> Apartment Care facility, major, in townhouse or apartment form only Congregate housing Group home, in townhouse or apartment form only Townhouse

Secondary uses	<ul style="list-style-type: none"> • Accessory uses • Home based business, minor 	<ul style="list-style-type: none"> • Accessory uses • Home based business, minor 	<ul style="list-style-type: none"> • Accessory uses • Home based business, minor 	<ul style="list-style-type: none"> • Accessory uses • Home based business, minor • Personal service establishment • Restaurant, except for drive-through • Retail, general
Front Setback	<ul style="list-style-type: none"> • 4.5 m/6m to garage 	<ul style="list-style-type: none"> • 6 m 	<ul style="list-style-type: none"> • Townhouse 3 m / 6 m to garage • Any other built form 4.5 m 	<ul style="list-style-type: none"> • Townhouse 4.5 m / 6 m to garage • Any other built form 6 m
Rear Setback	<ul style="list-style-type: none"> • 7.5 m 	<ul style="list-style-type: none"> • 7.5 m 	<ul style="list-style-type: none"> • 7.5 m 	<ul style="list-style-type: none"> • 7.5 m
Interior Side Setback	<ul style="list-style-type: none"> • 3 m 	<ul style="list-style-type: none"> • 4.5 m 	<ul style="list-style-type: none"> • 6 m 	<ul style="list-style-type: none"> • Townhouse 3 m • Any other built form 6 m

Development Permit Areas

The subject property is located within the Hillside, Aquatic and Sensitive Terrestrial Ecosystem Development Permit areas. Additionally, the proposed multiple family residential development with secondary commercial uses will also require a separate form and character Multiple Family Residential Development Permit to facilitate any future Building Permits.

Technical Review

Transportation and Site Access

The site access is proposed as a new 6 m wide paved entrance located mid-way along the site's frontage with Shannon Lake Road. The access point meets the Transportation Association of Canada's line of sight recommendations for roads with a 50 km/hr speed limit. This sight distance analysis includes consideration of the surrounding grades as it affects sightlines³. The final access design would be completed with the future development permit process.

Off-site transportation improvements identified with the previous rezoning are required to be constructed in accordance with Covenant CA7432661 and CA7432658 registered on title, which include a pedestrian cross-walk at the intersection of Shannon Lake Road and Crown Crest Drive, as well as road improvements to Shannon Lake Road not just fronting the property but extending to accommodate the related water looping improvements. Additional review is underway to confirm the off-site transportation improvements anticipated or recommended with this development based on the new CD10 zone.

³ Functional Servicing Report, prepared by Allnorth, dated January 7, 2020

Servicing

A Servicing Report⁴ was submitted that notes that the site can be adequately serviced. However, the report identifies the proposed apartment buildings as three (3) storeys and a total of 90 units, while the proposed CD10 zone identifies four (4) storey apartments and up to 99 units in total. Further discussion with the applicant is required to address a possible update to the report.

Sanitary Sewer: The report notes that the capacity of downstream sanitary system is sufficiently sized to accommodate the proposed development, with no anticipated off-site improvements. A private pump system is proposed to service the site into an existing 250mm service main along Shannon Lake Road.

Water: A covenant (CA7432661) is registered on title requiring off-site improvements to address water looping as a condition of the previous rezoning application. Additional review is underway to confirm the off-site water improvements based on the new CD10 zone. The servicing report notes that the property is required to petition the City for inclusion into a water service area, as well as noting additional on-site hydrants will be required, where final on-site design will be addressed at time of future development and building permit review.

Stormwater: The report notes that a private storm water detention facility will be provided for the development, as well as emergency overland route, with release at pre-development rates into Shannon Lake with final design to be addressed at time of future development permit.

Geotechnical

A Geotechnical Report⁵ was submitted that notes that “the land may be used safely for the use intended” and that “the site will achieve the levels of safety currently adopted by the City of West Kelowna” with no obvious geotechnical hazards. However, the report relied on test holes completed in 2018 with the previous rezoning application which was focused solely on townhouses. The new report thus recommends “additional geotechnical investigations be completed within the proposed apartment building areas to adequately evaluate the soil conditions and prepare suitable foundation preparation and design recommendations.” Further discussion with the applicant is required to address the recommended updated geotechnical review to address the proposed apartments.

⁴ Prepared by Aplin Martin, dated Jun 8, 2020

⁵ Prepared by Interior Testing Services Ltd., dated October 26, 2020

Environmental

An Environmental Assessment⁶ was submitted with the previous rezoning application that identifies the subject property as having Environmental Sensitive Area (ESA) 3 and 4 over a large majority of the historically disturbed site, with small pockets of ESA 2 near the lake which has been dedicated as park (Figure 4). As a result of that report, the previous rezoning required restoration (Covenant CA7432658) with the proposed future parks improvements which are still outstanding. These works in the park and other recommendations for the remainder of the site from the report will be considered with the future development permit prior to site disturbance, as well as consideration of the new development layout to determine if an updated report may be required.

Neighbourhood Park Analysis

The previous rezoning (File: Z 18-04) identified park land dedication and park trail connections that were addressed through the dedication of 0.2719 ha (0.672 acres) of park land and the registration of a 3.0 m wide pedestrian statutory right of way along the west side of the property (Plan EPP89446) as a condition of adoption. The



Figure 4: Environmental Sensitive Areas



Figure 5: Proposed Future Park Area to be constructed as per Covenant CA7432658

⁶ Prepared by Ecoscape Environmental Consultants Ltd., dated May 2018

construction of the pedestrian trail as well as the park improvements and aquatic restoration works (see Figure 5) are still outstanding commitments under Section 219 Covenant (CA7432658), which were also required as a condition of the previous rezoning.

As such, the applicant will be required to construct the required works prior to development of the lands. Additional parks review is underway to confirm these requirements based on the new CD10 zone.

Referral Responses

A referral for the application was circulated to all departments and key agencies. Based on comments received thus far, no objections were noted, but the following external comments were received:

- *BC Transit*
 - Has no objection to the development but recommends that the future interal road network includes sidewalks to connect to Shannon Lake Road to support safe access to transit, and recommends that the east side of Shannon Lake is improved to include a sidewalk connecting the development to the bus stop near the intersection of Crown Crest Drive and Shannon Lake Road.

KEY CONSIDERATIONS

In providing recommendations to City staff and Council, the APC may wish to consider the following:

- The official community plan encourages medium to high density multiple family developments off collector and arterial roads, which is consistent with access off Shannon Lake Road which is classified as an Urban Arterial road.
- While the proposed amendments allow additional storeys and height, the overall impact may be minimal given that there is no increase in density and the more compact building form will increase greenspace.
- The Official Community Plan growth management designation encourages an interconnected network of community-wide linear parks to protect significant features, support recreational opportunities, and encourage multi-modal transportation alternatives, which are supported by existing covenants on title to construct park improvements with the proposed development.
- The proposed congregate housing and apartment form are more typically encouraged within the Westbank Centre based on proximity or walking distance to community amenities, shops and services.
- The Mixed Use land use designation is intended to meet the needs of residents for employment, shopping, and personal services where there are residential densities to support the walkable services, although typically encouraged within the identified Centres or Neighbourhood Centres to which this property is an outlier.

Specific comments would be appreciated should the APC have any concerns with the proposed bylaw amendments, so that they may be further investigated or considered prior to staff providing a recommendation to Council as part of consideration of the application.

Respectfully submitted,

Carla Eaton

Carla Eaton
Planner III

Powerpoint: Yes ☒ No ☐

Attachments:

1. Official Community Plan Amendment Bylaw No. 0100.63, 2021
2. Zoning Amendment Bylaw No. 0154.98, 2021 (DRAFT CD10 Zone)
3. Applicant Proposal Summary
4. Low Density Multiple Residential (R3) Zone

CITY OF WEST KELOWNA

BYLAW NO. 0100.63

A BYLAW TO AMEND “OFFICIAL COMMUNITY PLAN BYLAW NO. 0100”

WHEREAS the Council of the City of West Kelowna desires to amend “CITY OF WEST KELOWNA OFFICIAL COMMUNITY PLAN BYLAW NO. 0100” 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 OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW NO. 0100.63, 2021”.

2. Amendments

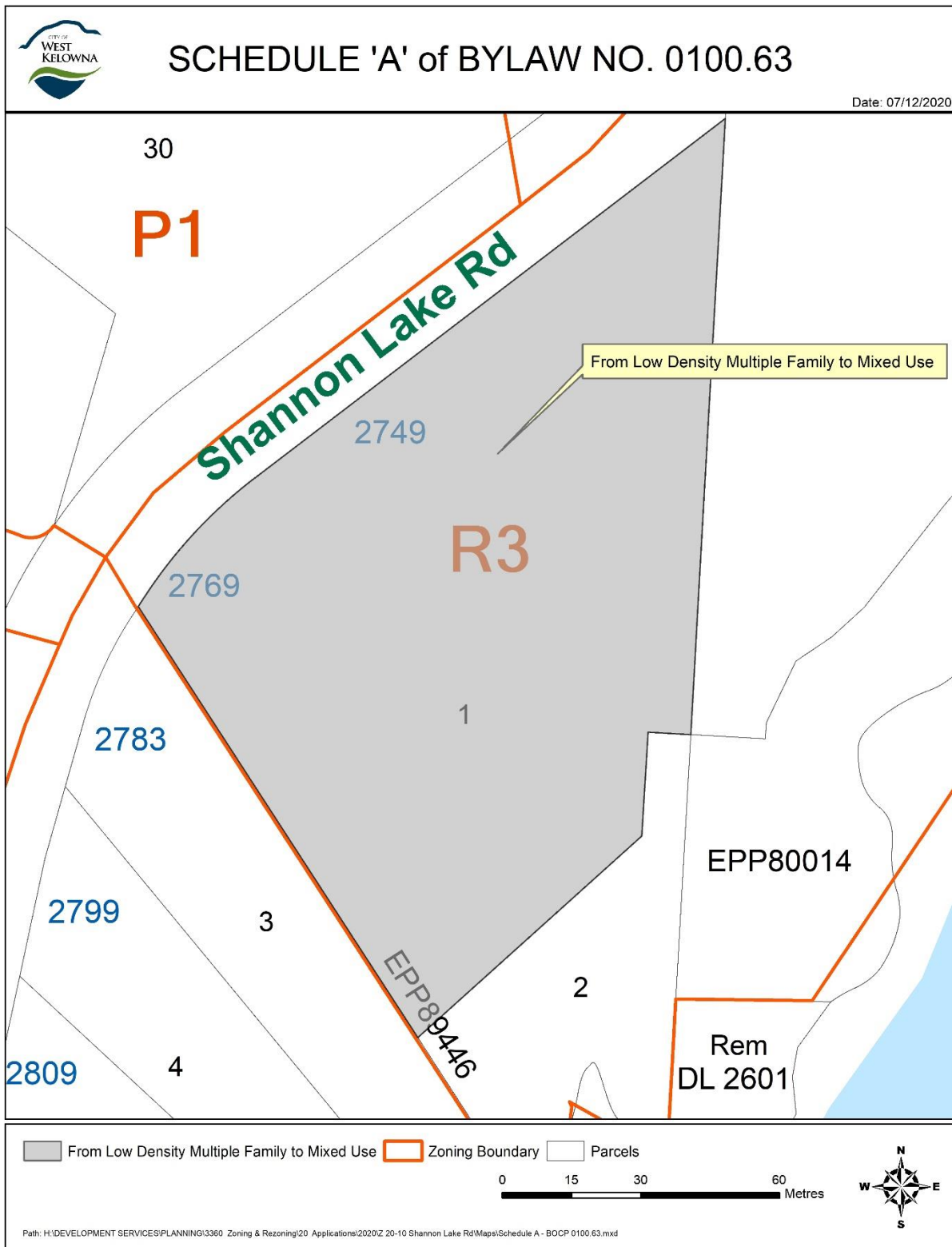
“City of West Kelowna Official Community Plan Bylaw No. 0100” is hereby amended as follows:

- 2.1 By changing the designation on Lot 1, District Lot 2600, ODYD, Plan EPP89446, as shown on Schedule ‘A’ attached to and forming part of this bylaw, from Low Density Multiple Family to Mixed Use.
- 2.2 By depicting the change on “City of West Kelowna Official Community Plan Bylaw No. 0100 Schedule B” (Land Use map).

READ A FIRST AND SECOND TIME THIS
PUBLIC HEARING HELD THIS
READ A THIRD TIME THIS
ADOPTED THIS

MAYOR

CITY CLERK



CITY OF WEST KELOWNA

BYLAW NO. 0154.98

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. 0154.98, 2021”.

2. Amendments

“Zoning Bylaw No. 0154” is hereby amended as follows:

- 2.1 By adding to Part 14 – Comprehensive Development Zones the CD10 Comprehensive Development Zone (Injoy Lakeview) attached to this bylaw as Schedule ‘A’;
- 2.2 By adding the following to the TABLE OF CONTENTS under PART 14 COMPREHENSIVE DEVELOPMENT ZONES:
CD10 - Comprehensive Development Zone (Injoy Lakeview);
- 2.3 By adding the following to Part 5 – Establishment of Zones TABLE 5.1 – Establishment of Zones:
COLUMN I ZONE by adding Comprehensive Development Zone (Injoy Lakeview);
COLUMN II ZONE ABBREVIATION by adding CD10;
- 2.4 By changing the zoning on Lot 1, District Lot 2600, ODYD, Plan EPP89446, from Low Density Multiple Residential Zone (R3) to Comprehensive Development Zone (Injoy Lakeview) (CD10).
- 2.5 By depicting the change on “Zoning Bylaw No. 0154 Schedule B” (Zoning Bylaw map).

READ A FIRST TIME THIS
READ A SECOND TIME
PUBLIC HEARING HELD
READ A THIRD TIME
ADOPTED

MAYOR

CITY CLERK

DRAFT

Schedule 'A'

CD10 – Comprehensive Development Zone (Injoy Lakeview)

.1 Purpose

To accommodate a mix of multiple-family residential and congregate housing uses with provisions for some small-scale commercial uses that complement the proposed residential uses.

.2 Principal Uses, Buildings and Structures

- (a) Apartment
- (b) Care facility, major in townhouse or apartment form only
- (c) Congregate housing
- (d) Group home in townhouse or apartment form only
- (e) Townhouse

.3 Secondary Uses, Buildings and Structures

- (a) Accessory uses, buildings and structures
- (b) Home based business, minor
- (c) Personal service establishment
- (d) Restaurant, except for drive-through restaurant
- (e) Retail, general

.4 Regulations Table

SUBDIVISION REGULATIONS		
(a)	Minimum parcel area	1,000 m ² (10,763.9 ft ²)
(b)	Minimum useable parcel area	700 m ² (7,534.7 ft ²)
(c)	Minimum parcel frontage	30 m (98.4 ft)
DEVELOPMENT REGULATIONS		
(d)	Maximum density	0.75 FAR, up to 99 units
(e)	Maximum parcel coverage	40%
(f)	Maximum building height	
.1	Townhouse	9.0 m (29.5 ft) to a maximum of 3 storeys
.2	Any built form other than a townhouse	15.0 m (49.2 ft) to a maximum of 4 storeys, except it is 5.0 m (16.4 ft) for accessory buildings and structures
SITING REGULATIONS (as shown on Figure 1)		
(h)	Buildings and structures shall be sited at least the distance indicated in the right-hand column from the feature indicated in the middle column	
.1	Front parcel boundary	
.i	Townhouse	4.5 m (14.8 ft), except it is 6.0 m (19.7 ft) for a garage or carport having vehicular entry from the front
.ii	Any built form other than a townhouse	6.0 m (19.7 ft)
.2	Rear parcel boundary	7.5 m (24.6 ft)
.3	Interior side parcel boundary	

.i	Townhouse	3.0 m (9.8 ft)
.ii	Any built form other than a townhouse	6.0 m (19.7 ft)
.4	Exterior side parcel boundary	6.0 m (19.7 ft)
AMENITY SPACE		
(j)	Minimum amenity space (per unit)	
.1	Bachelor dwelling unit and a unit in group home	7.5 m ² (80.7 ft ²)
.2	One (1) bedroom dwelling unit	15.0 m ² (161.5 ft ²)
.3	More than one (1) bedroom dwelling unit	25.0 m ² (269.1 ft ²)
.4	Congregate housing unit	6.0 m ² (64.6 ft ²) indoor amenity space and 6.0 m ² (64.6 ft ²) outdoor amenity space

.5 Other Regulations

(a) General

- .1 All Administrative and Enforcement, Interpretation, General and Parking Regulations, Part 1, 2, 3 and 4 of Zoning Bylaw No. 0154, apply unless expressly specified or modified in this CD10 zone..

(b) Common Areas

- .1 In addition to the minimum amenity space outlined in the Regulations Table, congregate housing shall also include the following at a minimum:
- 100 m² (1,076.4 ft²) of seating area for common dining facilities; and
 - 160 m² (1,722.2 ft²) of floor area for common community and assembly hall facilities.

.6 Conditions of Use

- Within this CD10 zone, the lands shall be developed for the principal and secondary uses in accordance with the plans identifying the CD boundaries as shown in Figure 1 and 2, attached to this bylaw.
- The density and uses shall be developed in accordance with the text of this zone and with the plans of the CD boundaries identified in the attachments, forming part of the bylaw and generally in accordance with CD10, Figures 1 and 2. The design elements outlined on Figure 3 of this zone, are conceptual in nature and may vary as outlined in the development permit approved by the City of West Kelowna.
- In accordance with the Official Community Plan, all developments within the zone shall require a Multiple Family and Intensive Residential Development Permit, Hillside and Sensitive Terrestrial Ecosystem Development Permit. Except where modified in this bylaw, all City of West Kelowna bylaws apply.

.7 Attachments Summary

- Figure 1: Developable area and Setback Plan
- Figure 2: Concept Plan

SETBACK PLAN

LEGEND

- - - CD ZONE PROPERTY BOUNDARY
- - - SETBACK LINE FOR TOWNHOUSE
- - - SETBACK LINE FOR BUILDINGS OTHER THAN TOWNHOUSE
- - - STATUTORY RIGHTS OF WAY
- - - DEDICATION AREA BOUNDARY

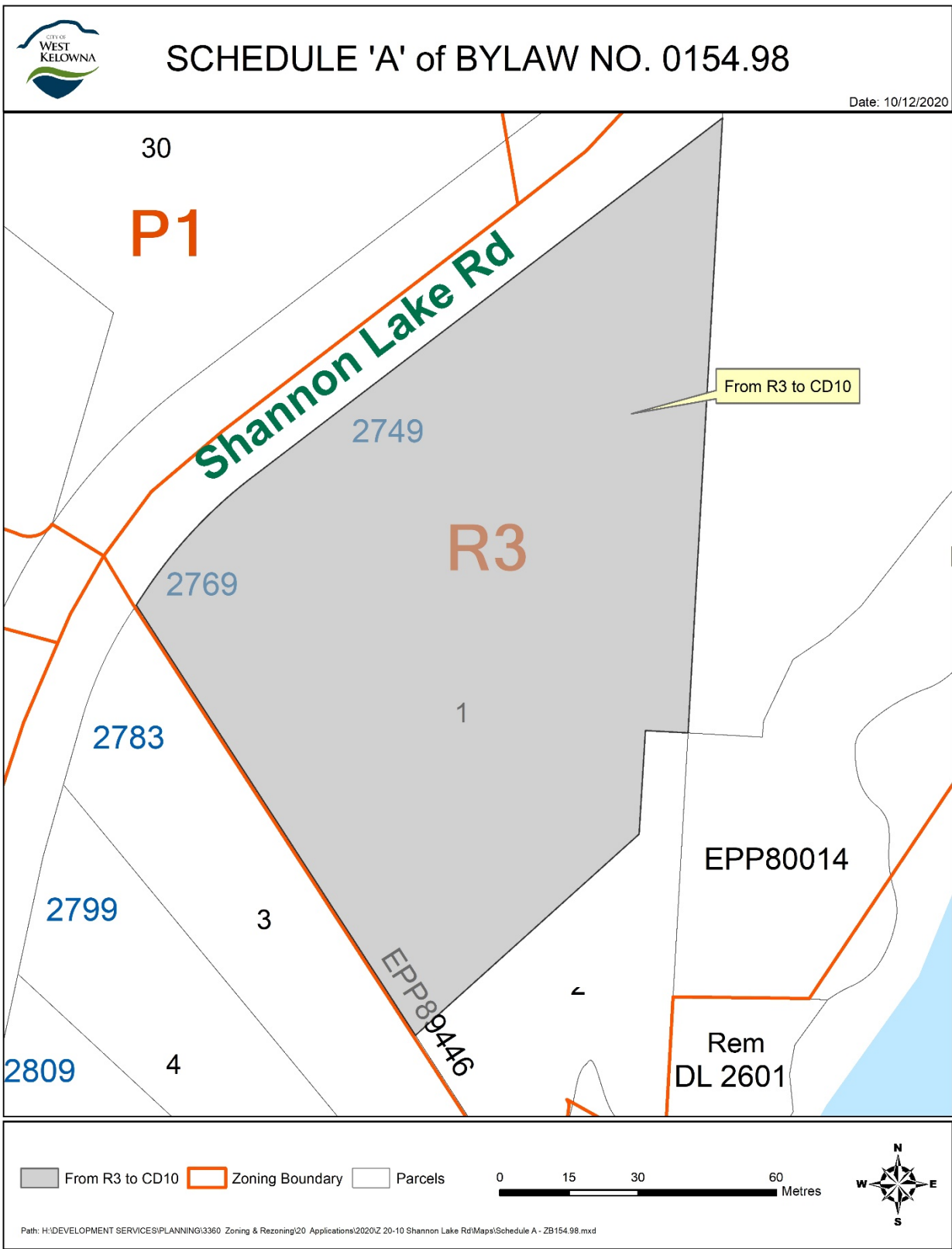


SETBACK PLAN

LEGEND

- CD ZONE PROPERTY BOUNDARY
- SETBACK LINE FOR TOWNHOUSE
- SETBACK LINE FOR BUILDINGS OTHER THAN TOWNHOUSE
- STATUTORY RIGHTS OF WAY
- DEDICATION AREA BOUNDARY





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Vancouver B.C. V6P 6G5

Office: 604 558 3064

www.pwaarchitecture.com

Nov.23, 2020

**Re : Official Community Plan Amendment and Rezoning Application
2749 Shannon Lake Road**

Proposal Summary

The purpose of the application is to amend the Official Community Plan to change the future land use designation and to rezone the subject property to facilitate the development of congregate housing and multiple residential, including apartment and townhouses. The maximum density, coverage will be in compliance with the current R3 zone. The townhouse will be in compliance with the current R3 zone for the setbacks and building height. The setbacks of any built form other than a townhouse will be in compliance with the current R4 or R5 zones, whichever is more stringent and the building height will be in compliance with the current R5 zones.

The application is requesting an Official Community Plan amendment from Low Density Multiple Family to Comprehensive Development Area and rezoning from Low Density Multiple Residential Zone (R3) to CD zone. The intent of this development is to provide a mix of multiple residential and congregate housing developments. This comprehensive development zone provides the opportunity for two or more permitted land uses integrated with private and public amenity features adjacent to Shannon Lake Regional Park. The overall vision for the development is forward thinking, incorporating principles of smart growth development, a high level of urban design and best management practices for sustainability.

By providing a wide range of housing, the development respects the Varied Needs of West Kelowna's Citizens. The development will provide high quality urban design to help to create Compact, Complete and Safe Neighbourhoods. It will create an Integrated Network of Parks and Natural Areas and protect and Enhance Ecological Integrity by developing with sustainable objectives and practices.

10.9.LOW DENSITY MULTIPLE RESIDENTIAL ZONE (R3)

.1 Purpose

To accommodate multiple residential in low density housing form.

.2 Principal Uses, Buildings and Structures

- (a) Care facility, major, in duplex or townhouse form only
- (b) Duplex
- (c) Group home, in duplex or townhouse form only
- (d) Townhouse

.3 Secondary Uses, Buildings and Structures

- (a) Accessory uses, buildings and structures
- (b) Home based business, minor

.4 Site Specific Uses, Buildings and Structures

Bylaw No.
154.11

- (a) On Lots 1-16, District Lot 2045, ODYD, Strata Plan KAS1884: single detached dwellings

Bylaw No.
154.11

- (b) On Lots 1-73, District Lot 5070, ODYD, Strata Plan KAS2583: single detached dwellings and apartments.

Bylaw No.
154.11

- (c) Apartments on:

- (i) Lot A, District Lot 2602, ODYD, Plan KAP92694;
- (ii) Lot 41, District Lot 703, ODYD, Plan KAP88313;
- (iii) District Lot 2602, ODYD, Plan KAP83141, Except Strata Plan KAS3683, and District Lot 2602, ODYD, Strata Plan KAS3683;
- (iv) Lots 1-14, District Lot 2602, ODYD, Plan KAS3023;
- (v) Lots 1-142, District Lot 2601, ODYD, Strata Plan KAS3485;
- (vi) Lot 1, District Lot 434 and District Lot 2045, ODYD, Plan 36364; and
- (vii) the R3-zoned portion of Lot C, District Lot 2045, ODYD, Plan KAP60462; and
- (viii) Lot A, DL 2602, ODYD, Plan KAP80333

Bylaw No.
154.22

.5 Regulations Table

SUBDIVISION REGULATIONS		
(a)	Minimum parcel area	1000 m ² (10,763.9 ft ²)
(b)	Minimum usable parcel area	700 m ² (7,534.7 ft ²)
(c)	Minimum parcel frontage	30.0 m (98.4 ft)
DEVELOPMENT REGULATIONS		
(d)	Maximum density	0.75 FAR
(e)	Maximum parcel coverage	40%
(f)	Maximum building height:	9.0 m (29.5 ft) to a maximum of 3 storeys except it is 5.0 m (16.4 ft) for accessory buildings and structures

SITING REGULATIONS		
(g)	Buildings and structures shall be sited at least the distance from the feature indicated in the middle column below, that is indicated in the right-hand column opposite that feature:	
.1	Front parcel boundary	4.5 m (14.8 ft) except it is 6.0 m (19.7 ft) for a garage or carport having vehicular entry from the front
.2	Rear parcel boundary	7.5 m (24.6 ft)
.3	Interior side parcel boundary	3.0 m (9.8 ft)
.4	Exterior side parcel boundary	4.5 m (14.8 ft) except it is 6.0 m (19.7 ft) for a garage or carport having vehicular entry from the exterior side
.5	A1 Zone or ALR	15.0 m (49.2 ft) for the first two storeys or portion of the building less than or equal to 6.0 m (19.7 ft) in height, whichever is less
		18.0 m (59.1 ft) for the third storey or portion of the building above 6.0 m (19.7 ft) but less than or equal to 9 m (29.5 ft) in height, whichever is less
OUTDOOR AMENITY SPACE		
(h)	Minimum outdoor amenity space per unit	25 m ² (269.1 ft ²)

.6 Other Regulations

- (a) Where side-by-side duplex units or townhouses are subdivided under the *Land Title Act*, Sections 10.9.5(a), 10.9.5(b) and 10.8.9(c) shall not apply provided that each parcel so created contains not less than one half the minimum parcel area, not less than one half the minimum usable site area and not less than one half the minimum frontage specified in those Sections, and Section 10.9.5(g).3 shall not apply.

(b) Siting Regulations for Approved Subdivisions

- .1 the regulations requiring a minimum distance between garages or carports having vehicular entry from parcel boundaries or private access easements, that is greater than the minimum distance required for other buildings and structures,

Bylaw No.
154.06

shall not apply to any parcel created by subdivision deposited in the Land Title Office before March 13, 2014 provided that the building permit authorizing the construction of the building or structure is issued before March 13, 2019.