



CITY OF WEST KELOWNA REGULAR COUNCIL ADDENDUM

Tuesday, August 13, 2019, 1:30 P.M.
COUNCIL CHAMBERS
2760 CAMERON ROAD, WEST KELOWNA, BC

Pages

2. INTRODUCTION OF LATE ITEMS

- *2.1 Z 19-01, Zoning Amendment Bylaw No. 0154.83, 3060 Seclusion Bay Road (Item 8.1.4 under Division Reports)** **2**

Recommended Motion:

THAT Council rescind second reading of City of West Kelowna Zoning Amendment Bylaw No. 0154.83, 2019; and

THAT Council give second reading, as amended, to City of West Kelowna Zoning Amendment Bylaw No. 0154.83, 2019; and

THAT Council direct staff to schedule the proposed bylaw amendment for a Public Hearing

- *2.2 Ride-Hailing Regulation and Driver Licence Class Requirements (Item 9.1 under Correspondence and Information Items)** **9**

Letter dated July 29, 2019 from the Sustainable Transportation Partnership of the Central Okanagan to the Honourable Claire Trevena, MLA, Minister of Transportation and Infrastructure



COUNCIL REPORT
Development Services
For the August 13, 2019 Council Meeting

DATE: August 12, 2019 File: Z19-01

TO: Paul Gipps, CAO

FROM: Hailey Rilkoff, Planner I

RE: Application: Zoning Amendment Bylaw No. 0154.83 (Z19-01)
Legal: Lot 1, DL 3493, ODYD, Plan KAP17359 Except Plan 25556
Address: 3060 Seclusion Bay Road
Owner: Sky High Metals Corp
Agent: Kevin Johnson / Bear Land Development Services

RECOMMENDED MOTION:

THAT Council rescind second reading of City of West Kelowna Zoning Amendment Bylaw No. 0154.83, 2019; and

THAT Council give second reading, as amended, to City of West Kelowna Zoning Amendment Bylaw No. 0154.83, 2019; and

THAT Council direct staff to schedule the proposed bylaw amendment for a Public Hearing

LEGISLATIVE REQUIREMENTS:

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

BACKGROUND:

On July 23, 2019, Council considered Official Community Plan and Zoning Bylaw Amendments for 3060 Seclusion Bay Road. Council gave second reading to OCP Amendment Bylaw No. 0100.50, 2019 and gave first and second reading to Zoning Amendment Bylaw No. 0154.83, 2019. While the Council Report addressed the proposed rezoning of the waterfront from the Recreational Water Use Zone (W1) to the Intensive Water Use Zone (W2), only the

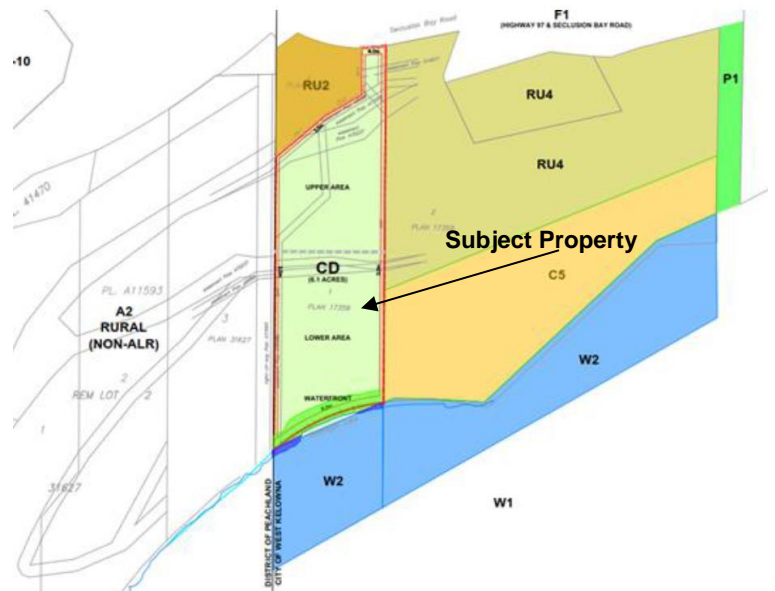


Figure 1: Proposed Comprehensive Development Zone (CD8) and Intensive Water Use Zone (W2)

Application: Zoning Amendment Bylaw No. 0154.83 (Z19-01)
Page 1 of 2

change of the upland property from RU2 to CD8 was included in Bylaw No. 0154.83 as read. An amendment to Zoning Bylaw No. 0154.83, 2019 is required to include the change from the waterfront use change from the Recreational Water Use Zone (W1) to the Intensive Water Use Zone (W2), which is the intent of this report.

Proposal

The applicant proposes to amend the Official Community Plan (OCP) land use designation on the lower (lakefront) portion of the property from Resource Land to Tourist Commercial. Additionally, the applicant proposes to amend the zoning of the subject property from the Rural Residential Small Parcel Zone (RU2) to a Comprehensive Development Zone (CD) to support the development of 16 single detached dwelling units. The applicant also proposes to amend the waterfront from the Recreational Water Use Zone (W1) to the Intensive Water Use Zone (W2) to provide for additional boat slips with boatlifts and visitor moorage.

COUNCIL REPORT/RESOLUTION HISTORY:

Date	Report Topic/Resolution	Resolution No.
July 23, 2019	<p>THAT Council give second reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.50, 2019; and</p> <p>THAT Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.83, 2019; and</p> <p>THAT Council direct staff to schedule the proposed bylaw amendment for a public hearing.</p>	C281/19
January 23, 2018	THAT Council give first reading to Official Community Plan Amendment Bylaw No. 0100.50 (File: OCP 17-03).	C101/18

REVIEWED AND APPROVED BY:

Brent Magnan, Planning Manager
 Nancy Henderson, GM Development Services
 Shelley Schnitzler, Legislative Services Manager
 Paul Gipps, CAO

Powerpoint: Yes ☐ No ☒

Attachments:

1. Zoning Amendment Bylaw No. 0154.83
2. CD8 (Seclusion Bay) Zone

CITY OF WEST KELOWNA

BYLAW NO. 0154.83

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. 0154.83, 2019”.

2. Amendments

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

- 2.1 By adding the attached zoning regulations for the CD8 – Comprehensive Development Zone (Seclusion Bay Road) to Part 14 – Comprehensive Development Zones.
- 2.2 By adding the zone “Comprehensive Development Zone (Seclusion Bay Road)” and zone abbreviation “CD8” to Part 5 – Establishment of Zones, Table 5.1.
- 2.3 By adding “CD8 – Comprehensive Development Zone (Seclusion Bay Road)” to the Table of Contents.
- 2.4 By changing the zoning on Lot 1, DL 3493, ODYD, Plan KAP17359 Except Plan 25556 (3060 Seclusion Bay Road) as shown on Schedule ‘A’ attached to and forming part of this bylaw from Rural Residential Small Parcel Zone (RU2) to Comprehensive Development Zone (CD8).
- 2.5 By changing the zoning on the surveyed Crown foreshore being part of the bed of Okanagan Lake and fronting Lot 1, DL 3493, ODYD, Plan KAP17359 Except Plan 25556 (3060 Seclusion Bay Road) as shown on Schedule ‘A’ attached to and forming part of this bylaw from Recreational Water Use Zone (W1) to Intensive Water Use Zone (W2).
- 2.6 By depicting the changes on “Zoning Bylaw No. 0154 Schedule B” (Zoning Bylaw map).

READ A FIRST AND SECOND TIME THIS 23RD DAY OF JULY, 2019

READ A SECOND TIME, AS AMENDED THIS DAY OF

PUBLIC HEARING HELD

READ A THIRD TIME

ADOPTED

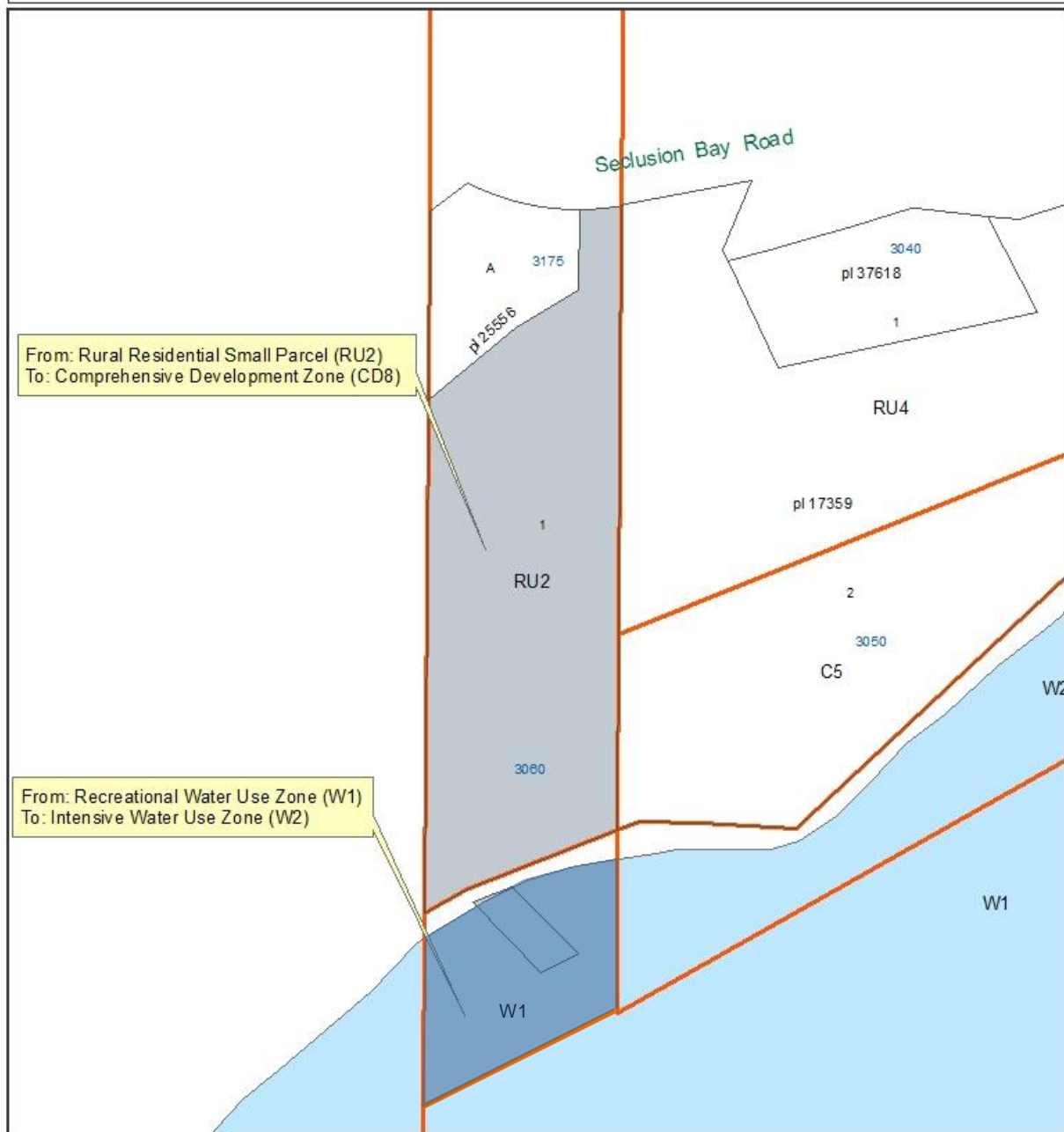
MAYOR

CITY CLERK



CITY OF
WEST
KELOWNA

SCHEDULE 'A' of BYLAW NO. 0154.83



LEGEND

- From W1 to W2
- From RU2 to CD8
- Zoning Boundary
- Parcels

0 37.5 75 150 Metres

1:2,500



Path: H:\DEVELOPMENT SERVICES\PLANNING\3360 Zoning & Rezoning\20 Applications\2019\2 19-01 3060 Seduction Bay Rd\Bylaw - Rptx - Mosaic\Bylaw\250 154.83 - CD8.mxd

Date: 01/05/2019

CD8 – Comprehensive Development Zone (Seclusion Bay)

1. Purpose

To allow for single detached dwellings and tourist accommodation, including vacation rentals. The zone provides the opportunity for the preservation of environmentally sensitive areas, two or more permitted uses, and private servicing.

2. Definitions

All definitions of Zoning Bylaw No. 0154 apply unless specified or modified in this comprehensive development zone.

- (a) **Single Detached Dwelling:** a dwelling with only 1 dwelling unit, with a maximum gross floor area of 185 m² (1,991 ft²), and that may be occupied for periods of less than 30 days.

3. Development Areas

3.1 Development Areas Within CD 8 Zone

This CD Zone is divided into three development areas, as shown on the attached Figure 1:

- (a) Upper Area
 - i. Ensures environmental protection of sensitive areas with conservation and preservation of open spaces. Provides opportunity for private servicing infrastructure including a water reservoir, water treatment system, waste water disposal field(s), solar panels, wind turbines, and related accessory buildings and structures.
- (b) Lower Area
 - i. Includes a maximum of 16 single detached dwellings, 1 amenity building or structure, solar panels and supporting servicing infrastructure.
- (c) Riparian Area
 - i. Ensures environmental protection of sensitive riparian areas with conservation, open spaces and limited recreational access.

3.2 Development Areas Table

	Development Area	Area
.1	Upper Area	1.11 ha (2.74 ac)
.2	Lower Area	1.17 ha (2.89 ac)
.3	Riparian Area	0.2 ha (0.49 ac)
.4	Total Parcel Area	2.48 ha (6.12 ac)

4. Permitted Uses and Zoning Regulations By Development Area

The following regulations are specific to each development area identified in the attached Figure 1; development in these areas shall occur in conformance with the following regulations.

4.1 Upper Area

.1 Principal Uses, Buildings and Structures:

- (a) Private servicing infrastructure (water reservoir, water treatment system, waste water disposal field(s), solar panels, and wind turbines)

.2 Secondary Uses, Buildings and Structures

- (b) Accessory uses, building and structures

4.2 Lower Area

.1 Principal Uses, Buildings and Structures

- (a) Single detached dwelling
- (b) Amenity building or structure (primarily used for accessory pool uses, community gathering and events)

.2 Secondary Uses, Buildings and Structures

- (a) Accessory uses, buildings and structures
- (b) Home based business, minor
- (c) Private servicing infrastructure (water treatment, waste water treatment, solar panels)

4.3 Regulations Table

DEVELOPMENT REGULATIONS		
(a)	Maximum Floor Area Ratio	0.13
(b)	Maximum Density	
.1	Single Detached Dwelling	16
.2	Amenity Building or Structure	1
(b)	Maximum Gross Floor Area per Building	
.1	Single Detached Dwelling	185 m ² (1,991.3 ft ²)
.2	Amenity Building or Structure	100 m ² (1,076.4 ft ²)
.3	Accessory Building or Structure	200 m ² (2152.8 ft ²) of all accessory buildings and structures combined
(c)	Maximum parcel coverage	40%
(d)	Maximum building height	9.0 m (29.5 ft) to a maximum of 2 storeys except it is 5.0 m (16.4 ft) for accessory buildings and structures
SITING REGULATIONS		
(e)	Buildings and structures shall be sited at least the distance from the feature indicated in the middle column below, that is indicated in the	
.1	Interior parcel boundary	3.0 m (9.8 ft)
.2	Front parcel boundary (Seclusion Bay Road)	6.0 m (19.7 ft)
.3	Rear parcel boundary (Okanagan Lake)	6.0 m (19.7 ft)

CD8 ZONE

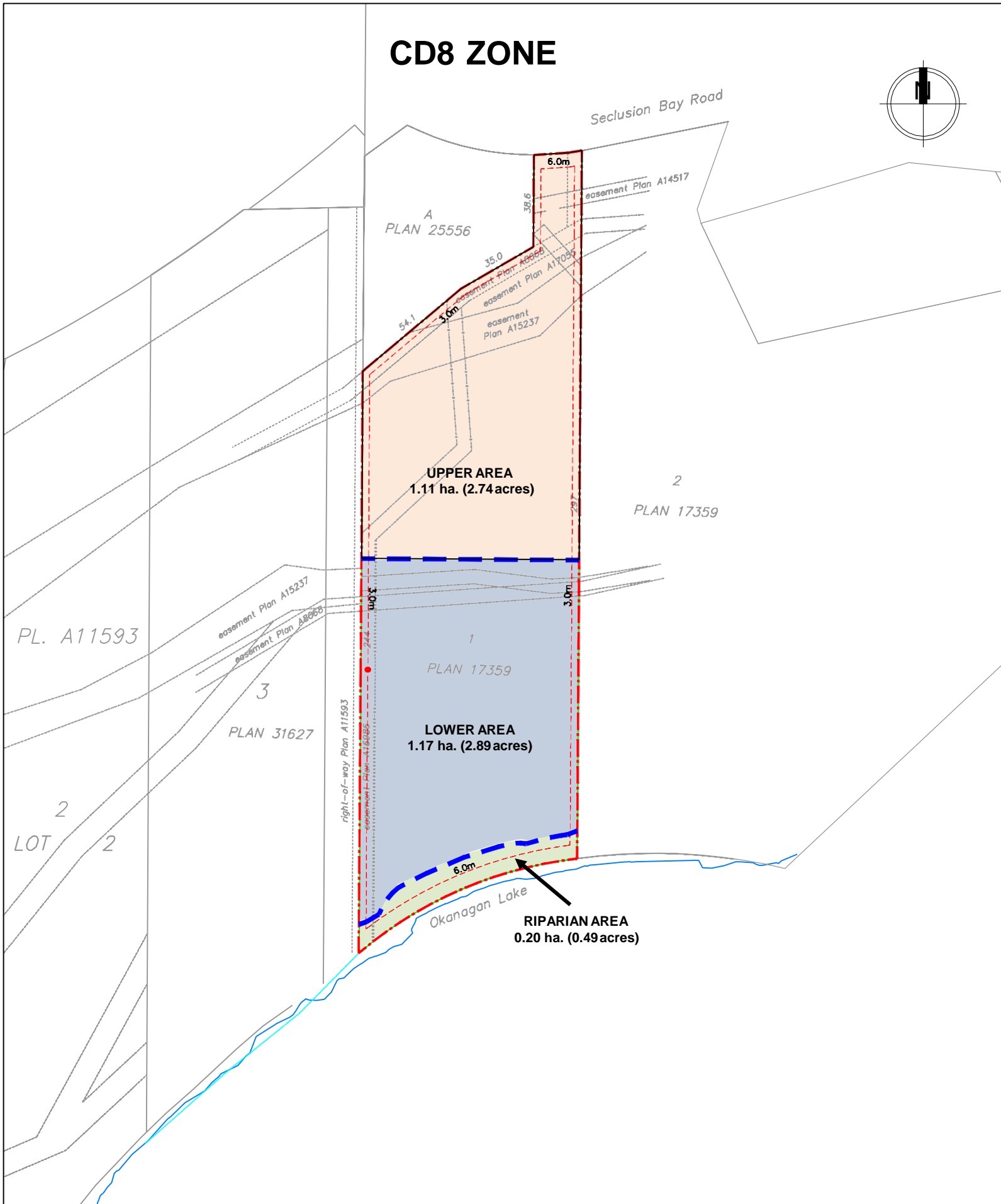
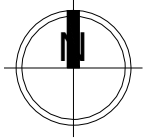


FIGURE 1
CD ZONE PLAN & DEVELOPMENT AREAS

July 29th, 2019

Via email: Claire.trevena.mla@leg.bc.ca

The Honourable Claire Trevena, MLA
Minister of Transportation and Infrastructure
Room 306 Parliament Buildings
Victoria, BC V8V 1X4

RE: Ride-hailing Regulation and Driver Licence Class Requirements

Dear Minister Trevena,

In response to new regulations governing ride-hailing in British Columbia, the Sustainable Transportation Partnership of the Central Okanagan (STPCO) would like to reiterate its position regarding driver licence class requirements. While the STPCO is pleased with the overall flexibility of the regulatory approach, we would like to see a review of the decision to enforce a minimum requirement of a commercial class 4 licence, as opposed to a general class 5 licence.

The STPCO is a formal partnership of the City of Kelowna, City of West Kelowna, District of Lake Country, District of Peachland, Westbank First Nation and the Regional District of Central Okanagan.

The STPCO is interested in ride-hailing regulation flexible enough to meet variable demand in the passenger transportation market while delivering a safe transportation option to the region's residents and visitors. The STPCO supports the introduction of Transportation Network Services (TNS) that facilitate ride-hailing, as it aligns with regional goals to reduce car dependency, increase mobility options, reduce the need for parking, lower impaired driving rates, and prepare the region for technology change in transportation.

We support the flexible approach on the issue of boundaries, rates, and ensuring supply of service will meet consumer demand as outlined in your letter to British Columbia's Passenger Transportation Board on July 13, 2019. This flexible approach is key to unlocking the value ride-hailing will offer to the Central Okanagan as well as British Columbia at large.

We were disappointed to learn that the regulation insisted on a class 4 licence as the minimum licence class for all TNS drivers. Limiting drivers to only those who hold a minimum of a class 4 licence could greatly limit the viability of ride-hailing as a



transportation option in our region and in other areas across the province. We urge you to reconsider establishing the class 4 commercial licence as the minimum licence class for all Taxi and TNS drivers.

Both the provincial government and the Legislative Assembly of British Columbia over a span of multiple years have taken steps to consult with key stakeholders and set the direction for ride-hailing legislation. Three separate government consultation processes were employed, one conducted by Hara Associates^[i] on behalf of your Ministry and two by the Select Standing Committee on Crown Corporations^{[ii][iii]} with direction from the Legislative Assembly. Each of these processes delivered the same recommendation with regards to licensing for TNS drivers. They all chose to require Class 5 licences with options to layer additional non-licence requirements for drivers if deemed necessary. None of these consultation processes recommended a class 4 licence as a minimum requirement for passenger directed vehicles.

The STPCO Board believes the appropriate minimum licence is general Class 5 for both TNS and Taxis. Selecting this licence class will ensure that drivers are available on an as-needed basis. This benefit is especially salient when considering the few differences that separate Class 4 and Class 5 licence holders. Other than some additional training and medical screening, the most significant barriers to holding this licence are the requirement of having to have been a driver in BC for two years and the increased time and cost associated with carrying the licence. As discussed within the Hara Report, conducted on behalf of your Ministry, installing a Class 4 licence as the minimum will unfairly impact young people and new immigrants who would need to wait up to three years more before working for a ride-hailing service. Requiring a Class 4 (commercial) licence will negatively impact the availability of TNS service at peak times or make it untenable to operate these services outside of the most populated areas of the province.

We urge you to establish a Class 5 minimum licence class for all Taxi and TNS drivers in British Columbia.

Thank you for accepting our feedback, and we look forward to future correspondence.

Respectfully,





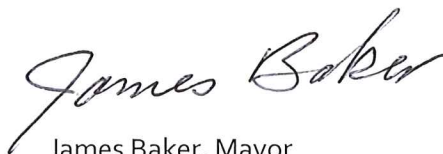
Colin Basran, Mayor
City of Kelowna



Gord Milsom, Mayor
City of West Kelowna



Cindy Fortin, Mayor
District of Peachland



James Baker, Mayor
District of Lake Country



Chief Roxanne Lindley
Westbank First Nation



Gail Given, Chair
Regional District of Central Okanagan



cc: John Horgan, Premier
Steve Thompson, MLA Kelowna-Mission
Norm Letnick, MLA Kelowna-Lake Country
Ben Stewart, MLA Kelowna West
Dan Ashton, MLA Peachland
Stephen Fuhr, MP Kelowna-Lake Country
Dan Albas, MP Central Okanagan — Similkameen — Nicola
Catharine Read, Chair, Passenger Transportation Board

^[i] "Modernizing Taxi Regulation." Edited by Hara Associates Inc., Government of British Columbia Registrar, Passenger Transportation Branch, Government of British Columbia, 19 July 2018, [www.th.gov.bc.ca/rpt/Documents/20180718_Modernizing Taxi Regulation.pdf](http://www.th.gov.bc.ca/rpt/Documents/20180718_Modernizing%20Taxi%20Regulation.pdf).

^[ii] Ma, Bowinn. "Transportation Network Companies in British Columbia." Legislative Assembly of British Columbia, Legislative Assembly of British Columbia, 15 Feb. 2018, www.leg.bc.ca/content/CommitteeDocuments/41st-parliament/2nd-session/CrownCorporations/Report/SSC-CC_41-2_Report-2018-02-15_Web.pdf.

^[iii] Ma, Bowinn. "Transportation Network Services: Boundaries, Supply, Fares, and Driver's Licences." Legislative Assembly of British Columbia, Mar. 2019, www.leg.bc.ca/content/CommitteeDocuments/41st-parliament/4th-session/cc/SSC-CC_41-4_Report-2018-03-26_Web.pdf.