



COUNCIL REPORT

To: Paul Gipps, CAO

Date: June 22, 2021

From: Hailey Rilkoff, Planner II

File No: P 20-16

Subject: **P 20-16; Zoning Amendment Bylaw No. 0154.99 (3rd Reading); Short Term Accommodations**

RECOMMENDATION

THAT Council give third reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.99, 2021; and

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

STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity – Initiate the regulation of short-term rentals across the city; Promote continued growth in tourism to West Kelowna and the Greater Westside

BACKGROUND

The purpose of this report is to provide Council with an overview of the Public Hearing held on June 8, 2021 and request consideration of third reading. Council gave the proposed bylaw amendment 2nd reading on May 11, 2021.

Zoning Amendment Bylaw No. 0154.99 would permit Short Term Accommodations within principal single family residences. Short Term Accommodations would be permitted within residential Zones that also permit Bed and Breakfasts (Agricultural, Rural and some Residential Zones). Short Term Accommodations would have to be hosted and require operators to identify a local contact (alternate host) when they may be away or unavailable for a short period of time.

Overview of Public Hearing

A public hearing was held on June 8, 2021. The City received a total of 19 written submissions. The majority of submissions were opposed to Short Term Accommodations and had concerns regarding implementing the requirement for STA's to be hosted and with the level and effectiveness of enforcement to address negative neighbourhood

impacts. Common comments from the submissions in favour of regulating STA's included support for the principal residency requirements and definition, along with support for STA's being permitted within secondary suites and carriage houses.

Nine (9) speakers addressed Council at the hearing. Some commented on support for the regulations to provide options and flexibility for potential operators while some had concerns regarding the negative impacts STA's may have on neighbourhoods. Almost all speakers commented on a desire for effective enforcement measures to complement the regulations.

Further clarification was requested as it relates to operators of STA's being *occasionally* absent overnight; the intent is to provide some flexibility for operators to be off-site for short periods of time while the STA is rented (providing their local contact is available). Additional language has been added to the Business Licensing and Regulations Bylaw, which further expands on *occasional*, being that an operator may be away for up to two weeks (14 days) in any one month while their STA is operating, with a maximum absence up to 30 days within any one calendar year. The operator must ensure their local contact is available during the times when they are absent to respond to any nuisance complaints and the name and contact information must be displayed in the dwelling.

Further clarification was also requested related to the requirement to provide written approval of the Registered Onsite Wastewater Practitioner (ROWP) for septic disposal capacity. This requirement is similar to other applications which increase the density of a property as reflected in the City's bylaws (eg. secondary suites, carriage homes). The requirement ensures that properties on septic systems can handle the additional load placed on them as a result of the additional dwelling unit.

COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution No.
June 8, 2021	Public Hearing	
May 11, 2021	THAT Council rescind second reading of Zoning Amendment Bylaw No. 0154.99, 2021; and THAT Council give second reading as amended, to Zoning Amendment Bylaw No. 0154.99, 2021; and THAT Council direct staff to schedule the bylaw for a public hearing.	C172/21
April 6, 2021	THAT Council direct staff to require all short term rentals to be principal residences.	C132/21
	THAT Council direct staff to revise the regulations to require all short term rentals to be hosted.	C133/21

	THAT Council direct staff to revise the regulations in order to permit short term rentals on properties with secondary suites and carriage houses.	C134/21
	THAT Council direct staff to keep the existing regulations for Bed and Breakfasts within the Zoning Bylaw.	C135/21
	THAT Council direct staff to revise the minor and major terminology proposed for short term rentals.	C136/21
	THAT Council direct staff to revise the layout for parking requirements to show .5 parking spaces per bedroom in a table format.	C137/21
	THAT Council direct staff to bring the concept of a license cap back for Council consideration after the initial intake period is over.	C138/21
March 16, 2021	Public Hearing	
February 23, 2021	THAT Council give first and second reading to the “City of West Kelowna Zoning Amendment Bylaw No. 0154.99, 2021”; and THAT Council direct staff to schedule a public hearing.	C092/21
January 26, 2021	Information Update for Council on Short Term Rental Engagement Results	
November 24, 2020	THAT Council direct staff to further engage the community and stakeholders on the proposed Short Term Rental program as outlined in this report.	C300/20
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

CONCLUSION

It is recommended that Council give 3rd reading to the proposed zoning amendment bylaw to regulate Short Term Accommodations within the City.

NEXT STEPS

Following third reading, the Bylaw will be forwarded to the Ministry of Transportation for approval.

Consideration of complimentary bylaw amendments for the implementation of regulations for Short Term Accommodations will immediately follow third reading of the zoning amendments.

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. Zoning Amendment Bylaw No. 0154.99, 2021