



PUBLIC HEARING MINUTES

MINUTES OF THE PUBLIC HEARING
HELD AT THE CITY OF WEST KELOWNA COUNCIL CHAMBERS,
2760 CAMERON ROAD, WEST KELOWNA, BC
TUESDAY, JUNE 8, 2021

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

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

1. **CALL THE PUBLIC HEARING TO ORDER:**

The Public Hearing was called to order at 5:03 p.m.

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

2. **INTRODUCTION OF LATE ITEMS:**

2.1 Letters received from the following:

- Lynne Wright
- Eric Prehofer
- Tyler Perry
- Sandra Davies
- Leigh Anne Nelson
- D. McKay
- Gloria, Valdemar, Daniel Nobre
- Shirley Pacholok
- Dan La Casse
- Lorraine Reid

- Rebeca Beckley
- Keith Reid
- Wynne, Sarah, Sam and Jake Morris-Probert
- Elisabeth Obst
- Patricia Curran

3. **ADOPTION OF AGENDA:**

It was moved and seconded that the agenda be adopted as amended. The motion carried unanimously.

4. **OPENING STATEMENT:**

In accordance with the Provincial Health Officer Order on Gatherings and Events, members of the public were restricted from attending the public hearing in person. Public participation was available by phone and by written submission and all representations to Council form part of the public record. The meeting was webcast live and archived on the City's website.

The Mayor read the Public Hearing Opening Statement, advising that the Public Hearing has been advertised, the bylaw and supporting documentation has been made available for inspection at City of West Kelowna offices and on the City's website, and outlined the process for the public hearing.

5. **PUBLIC HEARING:**

The Mayor explained the process for this public hearing being held pursuant to Division 3, Part 14 of the *Local Government Act* for the purpose of hearing representation from those persons who believe their interests may be affected by Zoning Amendment Bylaw No. 154.99.

The Mayor noted that information has been available for inspection, which includes any written comments received to date for the applications, and that Notice of the Public Hearing was duly advertised in accordance with the requirements of the *Local Government Act*.

5.1 **P 20-16, Zoning Amendment Bylaw No. 154.99, Short Term Accommodations**

The Planning Manager introduced Zoning Amendment Bylaw No. 154.99 to regulate short term accommodations to include:

- Short term accommodations allowing for principal residents to rent a portion of their principal residence for periods of less than one month;
- Operators of short term accommodations are required to be the principal resident of the property;
- Permitting short term accommodations in all Zones which currently permit bed and breakfasts: Agricultural (A1), Rural (RU1-RU5), Residential (R1, R1L), and CD-1(E) Zones;

- A short term accommodation use shall only be conducted within a single detached dwelling, secondary suite or carriage house and only one dwelling per property may be used for the purpose of a short term accommodation;
- Short term accommodations are not permitted on a parcel that contains a Bed and Breakfast;
- Restricting the occupancy of short term accommodations to a maximum of 2 adults per bedroom; and no more than 4 bedrooms are permitted to be used for a short term accommodation;
- Requires one off-street parking space per 1-2 bedrooms or two off-street parking spaces per 3-4 bedrooms;
- No exterior indication that a short term accommodation is in operation on any parcel, except for permitted signage and required parking; and
- Not permitted without connection to a community sewer system.

The Mayor asked for a first time if there were any members of the public who wished to address Council regarding this file.

Pooyan Khorsandi

- The proposed amendment appears to be a reasonable and measured approach to the short term rentals;
- There needs to be greater enforcement with additional Bylaw Enforcement Officers available;
- The licencing fees should be higher than what is being recommended (ie. starting at \$500 and increase depending on the number of bedrooms) to generate revenue for Bylaw Enforcement;
- Bylaw Enforcement should be immediately responsive when neighbours complain with legitimate reasons;
- The 'Information Cards' are confusing; consider looking at a different way to present the information;
- The 'Information Card' is not clear on homes connected to city sewer vs. those that are not; if septic is allowed with an exemption, it needs more clarity on that;
- There are neighbours who simply do not want short term rentals in the neighbourhood and may complain to police or Bylaw Enforcement Officers; how will this be addressed?;
- Fully support the proposed bylaw.

Behrouz Habibi

- Support the proposed Bylaw;
- Both the Host and the neighbourhood can benefit from short term rentals;
- Local businesses can benefit from short term rentals;
- Hosting helps families and brings an awareness to other cultures and countries;
- Short term rentals are also a mortgage helper.

Lynne Wright

- Will there be other public hearings to allow residents to address the other bylaws?;
- Concern with the definition of 'Hosting';
- Concern that there are no limits on the number of short term accommodations permitted in a residential neighbourhood;
- Concern that once a Business Licences is issued, that it will be too late to put a cap on the number permitted in a neighbourhood;
- Concern that her entire block could become a hotel resort and ruin the residential neighbourhood;
- Suggest there should be a limit of 1 short term accommodation per 1 km. radius;
- Consider putting a limit in place before the business licences start getting issued.

Shirley Pacholok, Casa Loma Community Association

- Supportive that the Host must be present or on site, however, the language is vague;
- Requesting clarity on the requirement for a Host be present; specify that someone needs to be in attendance at the property;
- Requesting enforcement and that a rigid enforcement presence be in place;
- Fines should be substantial and incremental (ie. \$500 for the first offence, \$1,000 for the second offence, etc.);
- Request more clarity on not renting an entire house; and only permitting a portion of the home be used for short term accommodation;
- Need clear communication for neighbours on who to contact when enforcement is required.

Michael Leyland

- Have lived in West Kelowna for 24 years;
- Concerned about housing affordability;
- Maintaining affordability and long term rental availability should be a priority;
- Do not support the proposed bylaw which would allow carriage homes for short term rentals;
- The original intent for carriage homes was to increase affordable housing opportunities in West Kelowna; supports this concept;
- Have lived next to a carriage house that was used as a short term rental; it was disruptive to the character of the neighbourhood;
- Support the objective of increasing the supply of long-term housing through permitting carriage houses;
- Doesn't support detached dwellings for short term accommodation in a residential neighbourhood;
- Short term renters don't have an interest in the neighbourhood;
- Does not support the bylaw in its present form.

Jack Smith

- Requesting clarification on the requirement for sewer vs. septic system as there is no sewer in his area;
- City Response: the City may consider an exemption if supported by a Registered Onsite Wastewater Professional.

Magnus Aaserud

- Requesting clarification on 'hosting' guests – does the Host physically have to be present in their own home when hosting? Wants to rent out his home for the weekend when they are away;
- Families want to rent a home because it is a private place where they can gather with their family, make their own meals, etc.;
- If the Host is physically in the home, they are using the rooms so there is no space available for guests;
- Having used Air BnB's, the Hosts were not physically present;
- Would not have rented the Air BnB if a host was present;
- Requesting clarification on the definition of 'occasionally'?
- City Response: the intent of bylaw regarding 'hosted' is a high degree of interaction between the host and the guest; there will be some flexibility with the utilization of a 'local contact' to be available and interact;
- City Response: 'Occasionally' will be monitored through enforcement.

Brock Clancy

- Requesting clarity on 'Hosting' and 'Occasional';
- Requesting clarity on what a 'Local Contact' means;
- He resides in West Kelowna for 8 months and is away for 4 months; would that preclude him from having a short term rental or would that be considered 'occasional'?

Wynne Probert

- Concern is enforcement;
- Don't mind if there are short term rentals as long as it is not impacting him;
- Recently there has been noise, partying, police presence, etc.;
- Need Bylaw Enforcement available 24 hours per day.

Pooyan Khorsandi

- There are noise technologies and tools available which trigger alerts whenever noise levels increase in a house;
- This could be one option for controlling noise in short term rentals.

Michael Leyland

- Requesting clarification on when an owner needs to occupy the primary dwelling in order to permit a short term rental;
- Enforcement is a crucial part of the proposed amendments.

Behrouz Habibi

- Hosts or a nearby contact need to be responsible for noise;
- Cameras and noise devices can alert a host when the noise level goes up.

The Mayor asked for a first time if there were any members of the public who wished to address Council regarding this file. There were no comments from the public.

The Mayor asked a second time if there were any members of the public who wished to address Council regarding this file. There were no comments from the public.

The Mayor asked Council if they had any questions of staff or any specific information needed from staff in anticipation of this coming back to Council for consideration.

- Requesting when the concept of a licence cap will be brought back for Council consideration once the initial intake is over;
- If the bylaw amendment is approved, when would a review of the success of this program take place? City Response: at the end of the first year.

The Mayor asked for a third and final if there were any members of the public who wished to address Council regarding this file.

Behrouz Habibi

- Has travelled all over the world and Air BnB's work well; they should also work well here.

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The Mayor asked for a third and final if there were any members of the public who wished to address Council regarding this file. There were no comments from the public.

The Mayor declared the public hearing closed at 6:15 p.m. and Council cannot accept any further information regarding this application.

6. Termination of Public Hearing

The Public Hearing terminated at 6:15 p.m.

MAYOR

I hereby certify this to be a fair and accurate summary of the nature of the representations made by the public at the Public Hearing with regard to Zoning Amendment Bylaw No. 154.99, Short Term Accommodations, held on June 8, 2021.

Legislative Services Manager/Corporate Officer