

REGIONAL DISTRICT OF CENTRAL OKANAGAN
PUBLIC HEARING ADDENDUM

Monday, May 30, 2022

7:00 p.m.

Woodhaven Board Room

1450 K.L.O. Road, Kelowna, BC

Pages

4. PUBLIC HEARING #2 - Z20-05 (LUC225 Termination) - 2751 Westside Rd (Lake Okanagan Resort) (EA West)

4.1. *Correspondence*

1 - 9

From: [Corporate Officer](#)
To: jgregson@coldwellbanker.ca; [Corporate Officer](#)
Cc: [RDCO Planning Services](#); [Michael Czarny](#); [Sandi Horning](#)
Subject: FW: KAS322 LUC question for Public Hearing May 30, 2022
Date: May 30, 2022 1:34:05 PM
Attachments: [image003.png](#)
[Questions for LUC Public Meeting May 30 2022 \(002\).pdf](#)

Thank you for your correspondence, it will be circulated to the Regional Board as part of the Public Hearing agenda package, and available to the public.

kind regards,
Karen

Karen Needham, BA MPA

Corporate Officer
Regional District of Central Okanagan
250-469-6224, karen.needham@rdco.com

I respectfully acknowledge that I live and work on the traditional, unceded territory of the syilx Okanagan people.

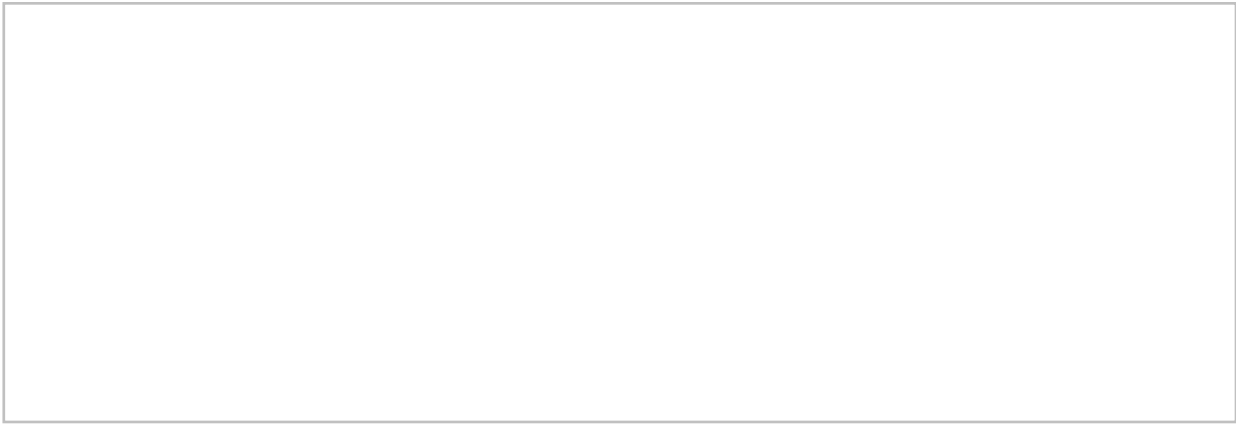
From: Judith Gregson <jgregson@coldwellbanker.ca>
Sent: May 30, 2022 12:38 PM
To: Corporate Officer <corporate.officer@rdco.com>
Subject: KAS322 LUC question for Public Hearing May 30, 2022

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Good afternoon,
Council for KAS322 located at Lake Okanagan Resort has requested that my office submit the attached copy of questions that a representative from council will pose on behalf of KAS322 to the RDCO at the Public Hearing being held this evening at 7pm in Wood Haven Boardroom in Kelowna.

Thank you
Judith C. Gregson
Licensed Strata Manager



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Questions for Public Hearing on LUC 225 Termination
(7pm Monday May 30, 2022)
Woodhaven Boardroom, 1450 KLO Road, Kelowna.

These questions can be asked at the meeting or delivered by email
(corporate.officer@rdco.com) up to 4 p.m. the day of the hearing.
Suggest sending the Questions but not the background notes.

Suggested Questions About the CD-2(D) Zoning for KAS322

Q1A: What does short-term occupancy means and does it cover short term rental (including airbnb).

Background Notes

The new zoning for KAS322 is CD-2(D) which includes *Chalet Housing* as a permitted use. *Chalet Housing* is a new zoning term in the RDCO bylaws and is defined as:

Chalet Housing: means a building consisting of one or two dwelling units that provides sleeping accommodation for short-term occupancy by owners or occupiers or full-time residential occupancy.

Short-term occupancy as used in the RDCO bylaws simply means any occupancy for a period of less than one (1) month and is generally applied too motels, hotels, tourist cabins, etc., which are all rented. On that basis, and because the LUC set a precedent and there are little restrictions in the K322 bylaws, rental should be assumed. To be clear, and because the term "short-term rental" is not used in the RDCO bylaws, anyone in the airbnb business might want to know if the proposed *Chalet Housing* use allows short-term rental and especially airbnb in the absence of any Strata bylaw restrictions.

Other Notes on Rentals:

I understand that a business license is required to offer airbnb in many BC jurisdictions. You can see on the RDCO web site that RDCO issues business licenses for "Short term Rentals" and "B&B". I assume short term rental includes airbnb, but I don't see any RDCO licenses specific to airbnb.

Other criteria that some BC authorities have placed on short term rentals (e.g. Vancouver) are that it must be in the owners "Primary Residence" the bylaws must allow short term rentals

TO clarify matters further, Airbnb is not classed as Bed and Breakfast which is good because this CD-2(D) zoning would not allow Bed & Breakfast as that is specifically stated in the RDCO zones in which it is permitted; RU1 thru 6, R1 (single family housing) but not R2 (duplex housing).

Suggested Questions on Continuation of “Contracted Rights” Provided in the LUC

Q2: The LUC provides the strata owners with rights (access and fees etc.) that are not covered by the new zonings. Will the RDCO ensure that these LUC 225 rights remain on all the resort titles, particularly schedule “C” in LUCA 225-95-44.

Background Notes

The LUC was set up as a multi-purpose recreational community comprising accommodation units and recreational facilities of which the golf course is an “important feature”.

Implicit in the LUC was that the resort was to be occupied only by the guests and the residential occupants. With the termination of the LUC the RDCO has set up new zoning intended to duplicate the land uses in the LUC. In many respects those uses have been transferred but certain rights spelled out in “Schedule C” in LUCA 225-95-44 are not. K322 and other Stratas at the resort are concerned about the continuation of these rights. Schedule C is a “letter of Understanding” signed by the Lake Okanagan Resort in consideration of the consent of the strata owners for a modification of the LUC to allow significant development along the lake front. This large development is still recognized in the proposed new zoning for the resort.

General Question regarding other Zoning on the Resort

Q3: The LUC assumed that the Golf course would exist in perpetuity and could only be changed with the consent of all the surrounding Stratas. Can the RDCO confirm that the new CD-2(J) zoning will not be changed without the consent of all surrounding Stratas?

From: [Corporate Officer](#)
To: [Declan Livesey](#); [Corporate Officer](#)
Cc: [RDCO Planning Services](#); [Michael Czarny](#); [Brittany Nichols](#); [Sandi Horning](#)
Subject: RE: Questions for Public Hearing on LUC 225 Termination
Date: May 30, 2022 12:03:24 PM

Thank you for your correspondence, it will be circulated to the Regional Board as part of the Public Hearing agenda package, and available to the public.

kind regards,
Karen

Karen Needham, BA MPA
Corporate Officer
Regional District of Central Okanagan
250-469-6224, karen.needham@rdco.com

I respectfully acknowledge that I live and work on the traditional, unceded territory of the syilx Okanagan people.

From: Declan Livesey [REDACTED]
Sent: May 30, 2022 11:59 AM
To: Corporate Officer <corporate.officer@rdco.com>
Cc: Hugh Ross [REDACTED]; Hugh #4 Ross [REDACTED]; Judith Gregson <jgregson@coldwellbanker.ca>; Harry Kung [REDACTED]; Megan Pena [REDACTED]; Doug Schaffer [REDACTED]; Vicki Young [REDACTED]
Subject: Questions for Public Hearing on LUC 225 Termination

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Questions for Public Hearing on LUC 225 Termination

(7pm Monday May 30, 2022)

Woodhaven Boardroom, 1450 KLO Road, Kelowna.

Submitted by: Declan Livesey, Owner, Lot #9, KAS322

[REDACTED], Kelowna, BC, V1Z 3Y6

Please see the my questions below for submission at Monday's Public Hearing and attached word document.

CD-2(D) Zoning for KAS322

Q1: What does short-term occupancy mean and does it cover short term rental (including airbnb)?

Continuation of "Contracted Rights" Provided in the LUC

Q2: The LUC provides the strata owners with rights (access and fees etc.) that are not covered by the new zonings. Will the RDCO ensure that these LUC 225 rights can remain on title, particularly schedule "C" in LUCA 225-95-44?

Background

The LUC was set up as a multi-purpose recreational community comprising accommodation units and recreational facilities of which the golf course is an "important feature".

Implicit in the LUC was that the resort was to be occupied only by the guests and the residential occupants. With the termination of the LUC the RDCO has set up new zoning intended to duplicate the land uses in the LUC. In many respects those uses have been transferred but certain rights spelled out in "Schedule C" in LUCA 225-95-44 are not. I am concerned about the continuation of these rights. Schedule C is a "letter of understanding" signed by the Lake Okanagan Resort in consideration of the consent of the strata owners for a modification of the LUC to allow significant development along the lake front. This future development is still recognized in the proposed new zoning for the resort.

Other Resort Zoning

Q3: The LUC assumed that the Golf course would exist in perpetuity and could only be changed with the consent of all the surrounding Stratas. Can the RDCO confirm that the new CD-2(J) zoning will not be changed with without the consent of all surrounding Stratas?

Declan Livesey
KAS322 Treasurer

[REDACTED]
[REDACTED]



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From: [Styba, Craig LBR:EX](#)
To: [Corporate Officer](#)
Subject: FW: KAS322 RDCO Public Hearing on the LUC Termination and the New Zoning for K322
Date: May 30, 2022 1:55:51 PM
Attachments: [image003.png](#)
[Questions for LUC Public Meeting May 30 2022.docx](#)

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Good Day

I see chalet house zoning permits one or two suites. My building Chalet 16 is a Three plex with three suites. The Chalet Zoning should reflect this situation.

Respectfully

Craig STYBA

"Amat Victoria Curam"

From: Sharlene Styba [REDACTED]
Sent: May 30, 2022 1:30 PM
To: Styba, Craig LBR:EX <Craig.Styba@gov.bc.ca>
Subject: Fwd: KAS322 RDCO Public Hearing on the LUC Termination and the New Zoning for K322

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Sent from my iPhone

Begin forwarded message:

From: Judith Gregson <jgregson@coldwellbanker.ca>
Date: May 30, 2022 at 12:06:29 PM PDT
To: Judith Gregson <jgregson@coldwellbanker.ca>
Subject: **KAS322 RDCO Public Hearing on the LUC Termination and the New Zoning for K322**

Good morning,

Council for KAS3222 would like to advise owners of the public hearing scheduled set for 7 pm tonight at the Wood Haven Boardroom in Kelowna. The attached suggested questions are what council believes should be Strata's main concerns. Council member Megan Pena will attend the Public Hearing and she will be asking these questions on behalf of our Strata.

Thank you

Judith C. Gregson

Licensed Strata Manager