

City of Kelowna Regular Council Meeting AGENDA



Monday, May 9, 2016

9:00 am

Knox Mountain Meeting Room (#4A)

City Hall, 1435 Water Street

	Pages
1. Call to Order	
2. Confirmation of Minutes	2 - 3
AM Meeting - May 2, 2016	
3. Reports	
3.1 Review of Permissive Tax Exemption Policy 327	45 m 4 - 32
To review Permissive Tax Exemption Policy No. 327 prior to forwarding the 2017 permissive tax exemption bylaw in October 2016.	
3.2 Public Hearing Notification	20 m 33 - 45
To present Council with an overview of the public notification process for development applications and consider policy options related to the delivery area.	
4. Resolution Closing the Meeting to the Public	
THAT this meeting be closed to the public pursuant to Section 90(2) (b) of the <i>Community Charter</i> for Council to deal with matters relating to the following:	
• Negotiations with another level of Government (Westbank First Nation).	
5. Adjourn to Closed Session	
6. Reconvene Open Session	
7. Issues Arising from Correspondence & Community Concerns	
7.1 Mayor Basran, re: Issues Arising from Correspondence	15 m
8. Adjourn to Closed Session at Delta Grand Hotel & Conference Centre for Committee-of-the-Whole Meeting with Westbank First Nation	
9. Termination	



City of Kelowna
Regular Council Meeting
Minutes

Date: Monday, May 2, 2016
 Location: Knox Mountain Meeting Room (#4A)
 City Hall, 1435 Water Street

Council Members Present: Mayor Colin Basran and Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben, Mohini Singh and Luke Stack

Staff Present: City Manager, Ron Mattiussi; and City Clerk, Stephen Fleming

1. Call to Order

Mayor Basran called the meeting to order at 9:04 a.m.

2. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor DeHart

R346/16/05/02 THAT the Minutes of the AM Meeting of April 25, 2016 be confirmed as circulated.

Carried

3. Resolution Closing the Meeting to the Public

Moved By Councillor Stack/Seconded By Councillor Gray

R347/16/05/02 THAT this meeting be closed to the public pursuant to Section 90(1) (e) and (k) of the *Community Charter* for Council to deal with matters relating to the following:

- Acquisition, Disposition, or Expropriation, of Land or Improvements; and
- Provision of a Municipal Service.

Carried

4. Adjourn to Closed Session

The meeting adjourned to a closed session at 9:05 a.m.

5. Reconvene to Open Session

The meeting reconvened to an open session at 5:47 p.m.

6. Issues Arising from Correspondence & Community Concerns

6.1 Mayor Basran, re: Kelowna Community Resources

Mayor Basran:

- Made comment regarding the recent correspondence from Kelowna Community Resources regarding the cost of 30-40 annual bus passes and 30 passes to the Parkinson Recreation Centre.

Moved By Councillor Donn/Seconded By Councillor Stack

R348/16/05/02 THAT Council directs staff to cost out the costs of providing annual bus passes and Parkinson Recreation Centre passes to Kelowna Community Resources and report back to Council.

Carried

7. Termination

The meeting was declared terminated at 6:00 p.m.

Mayor

/slh/scf



City Clerk

Report to Council



Date: May 2, 2016
File: 0280-40
To: City Manager
From: Lynn Walter, Revenue Manager
Subject: Review of Permissive Tax Exemption Policy 327
Report Prepared by: Matt Friesen, Accountant

Recommendation:

THAT Council receives, for information, the Report from the Revenue Manager dated May 2, 2016 with respect to Permissive Tax Exemption Policy No.327.

Purpose:

To review Permissive Tax Exemption Policy No. 327 prior to forwarding the 2017 permissive tax exemption bylaw in October 2016.

Background:

I. Community Charter

The Community Charter requires that a permissive tax exemption bylaw be considered and adopted by Council annually, prior to October 31st.

The Community Charter provides for tax exemption by:

- General Statutory Exemption, Section 220 includes properties classed and assessed places of worship, private schools and hospitals, this exemption is limited to the buildings and the land beneath the buildings
 - Permissive Exemption, Section 224 for other buildings and land surrounding the main building
- Permissive Exemption, Section 224 includes classes of properties used by non-profit, social, cultural, athletic and recreational organizations.

A permissive tax exemption permits the exemption of a property from all property taxation - municipal, provincial school and all other taxing jurisdictions with the exception of parcel taxes, user fees and other charges that are not based on property assessment.

Permissive exemptions require a bylaw approved by a 2/3 vote of Council.

II. Categories of Permissive Tax Exemptions:

There are eight (8) categories of Permissive Tax Exemptions:

1. Places of Worship
2. Private Schools
3. Hospitals
4. Special Need Housing
5. Social Services
6. Cultural
7. Public Park, Recreational, Athletic
8. Other Non-Profit Societies

III. Permissive Tax Exemption Policy No.327

Refer to Appendix A, Permissive Tax Exemption Policy No.327 which governs the eligibility criteria for each of the categories above.

Staff uses Council Policy No. 327, which was adopted in May, 2006, in conjunction with current legislation to determine the appropriateness of each exemption request.

This policy meets Councils mandate to have fair criteria for acceptance and/or denial of tax exemption applications. Adherence to the eligibility criteria as outlined in the policy results in the granting of exemptions to non-profit organization that are clear, consistent and certain.

IV. Cost of Tax Exemptions

The granting of permissive tax exemptions is seen as a cost¹ effective method of contributing to the social fabric of the community.

The total Permissive Tax Exemptions approved by Council for 2016 is \$1,506,000

- Places of Worship, Public Schools and Hospitals - \$455,000 (30%)
- Special Needs housing - \$56,000 (4%)
- Social Services, Cultural and Other - \$554,000 (37%)
- Park, Recreation and Athletic - \$441,000 (29%)

¹ Refer to Financial/Budgetary Considerations for a description of the “cost” of tax exemptions.

Existing Policy:

Permissive Tax Exemption Policy No. 327

Legal/Statutory Authority:

Council may, by bylaw in accordance with sections 220 and 224 of the Community Charter exempt land or improvements, or both, from taxation, for the period and subject to the conditions provided in the bylaw.

Legal/Statutory Procedural Requirements:

Under section 227 of the Community Charter Council must give notice of a proposed bylaw in accordance with section 94.

Under Division 7 - Permissive Exemptions of the Community Charter a bylaw may only be adopted by an affirmative vote of at least 2/3 of all Council members, and does not apply to taxation in a calendar year unless it comes into force on or before October 31 in the preceding year.

Financial/Budgetary Considerations:

Tax exemptions are not financed through a budgetary line item in the same way as municipal spending, nor do they affect the amount that has to be raised through property taxes. Tax exemptions impose a cost on taxpayers who are not exempt. Tax exemptions reduce the total value of the tax base (i.e. the taxable value of property). Therefore, tax exemptions transfer the burden of taxation from properties that are exempt to properties that are taxable. An increase in the value of tax exemptions increases the taxes paid by properties that are not tax exempt. Efforts to control or limit tax exemptions would generate a tax saving for taxable properties.

Considerations not applicable to this report:

Internal Circulation:

Personnel Implications:

External Agency/Public Comments:

Communications Comments:

Alternate Recommendation:

Submitted by:

M. Friesen, Accountant

Approved for inclusion:



Genelle Davidson, CPA, CMA, Director, Financial Services

cc: Division Director, Corporate and Protective Services

Appendix A, Permissive Tax Exemption Policy No. 327:

POLICY 327



City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1J4
250 469-8500
kelowna.ca

Council Policy
Permissive Tax Exemption Policy
APPROVED August 8, 2005

RESOLUTION: R375/10/04/26
REPLACING: R446/06/05/15; R759/05/08/08
DATE OF LAST REVIEW: April 2010

A. PREAMBLE

The City of Kelowna recognizes the significant value of volunteers, volunteer groups and agencies to the spiritual, educational, social, cultural, and physical well-being of the community. A permissive tax exemption is a means for Council to support organizations within the community that further Council's objective to enhance the quality of life while delivering services economically to the citizens of Kelowna.

The Permissive Tax Exemption Policy is intended to:

- Provide clarity, consistency and certainty to the municipality, the public and prospective applicants.

B. EXTENT, CONDITIONS, AND PENALTIES

1. Council may designate only a portion of land/improvements as exempted where the following circumstances exist:
 - a. A portion of the land/improvements is used by private sector and/or organization not meeting Council's exemption criteria.
 - b. The applicant already receives grant in aid from the municipality, provincial or federal government.
 - c. The applicant meets all eligibility criteria, however Council may at its discretion grant a partial exemption.
2. Council may impose conditions on the exempted land/improvements with the applicant organization, including but not limited to:
 - a. Registration of a covenant restricting use of the property
 - b. An agreement committing the organization to continue a specific service/program
 - c. An agreement committing the organization to have field/facilities open for public use for specific times or a total amount of time
 - d. An agreement committing the organization to offer use of the field/facility to certain groups free of charge or at reduced rates
 - e. An agreement committing the organization to immediately disclose any substantial increase in the organization's revenue or anticipated revenue (i.e. receives large operating grant from senior government)
3. Council may impose penalties on an exempted organization for knowingly breaching conditions of exemption, including but not limited to:
 - a. Revoking exemption with notice
 - b. Disqualifying any future application for exemption for specific time period
 - c. Requiring repayment of monies equal to the foregone tax revenue.

C. PROCESS

Council will consider permissive tax exemption applications from Places of Worship, Private Schools and Hospitals for a period of up to 5 years. Other Non-Profit organizations will be considered annually.

The opportunity to apply for a permissive tax exemption will be advertised in the local newspaper once in the month of June. Application forms can be downloaded from the City of Kelowna website, or picked up at City Hall in the Revenue Branch of the Financial Services Department.

Application Forms

Places of Worship, Private Schools and Hospitals are required to complete the Place of Worship, Private School, and Hospital 5 Year Application. The City of Kelowna will administer these applications on a 5 year cycle. If the application is approved the organization will be exempt for the number of years remaining in the cycle. At the end of the 5 year cycle all organizations must complete an application for the next 5 years. It is the organization's responsibility to notify the City of Kelowna of any changes in property ownership and/or use of the property.

For example:

Application Period	Number of Years Exempt	Application Due Date
2011 – 2015	5 Years	July 15, 2010
2012 – 2015	4 Years	July 15, 2011
2013 – 2015	3 Years	July 15, 2012
2014 – 2015	2 Years	July 15, 2013
2015	1 Year	July 15, 2014

Other Non-Profit Organizations will be required to complete a Comprehensive Non-Profit Application. If the application is approved for the next tax year, the organization will be required to submit a short renewal application every year for the next 4 tax years. The renewal application is confirmation that ownership and use of property has not changed and will be reviewed and approved before a permissive tax exemption is granted.

The Place of Worship, Private Schools and Hospital applications and the Comprehensive Non-Profit applications must have the following information attached before consideration of a 5 year permissive tax exemption:

Copy of last Registered Charity Information Return or Non-Profit Organization Information Return submitted to the CCRA

Copy of most current Audited Financial Statements

Financial Budget (pro-forma Balance Sheet and Income Statement) for the current 12 months

Scale Drawing of Property, that includes buildings, parking lots, landscaping, playgrounds, fields, etc.

Copy of Lease Agreement if applicable

Applications with required supporting information must be submitted prior to July 15th of each year to be

considered for the next permissive tax exemption year or cycle.

Additional Information

Council may request a presentation from applying organization.

The City of Kelowna may request additional information.

The City of Kelowna reserves the right to review records and/or property to verify information provided in support of application.

Successful applicants may be asked to publicly acknowledge the exemption.

Council may, at its discretion, reject any or all applicants in any given year.

This policy does not apply to permissive tax exemptions for heritage revitalization, riparian, and other special exemption authority.

Eligibility Criteria

To be eligible for a permissive tax exemption an organization must comply with all of the eligibility criteria outlined below. The application forms and supporting documentation are an integral part of this policy. There is no obligation on the part of Council to grant permissive tax exemptions in any given year.

The applicant(s):

1. qualifies for an exemption under the provisions of the Community Charter, general authority for permissive exemptions. (Part 7, Division 7, Section 224).
2. and/or the property owner is in compliance with municipal policies, plans, bylaws, and regulations (i.e. business licensing, zoning).
3. is a Non-Profit Organization.

Tax exemptions will only be granted to organizations that are a Registered Charity or Non-Profit Organization.

The intent of this requirement is to ensure that municipal support is not used to further activities of an organization or individual that, if not for it's not-for-profit status would otherwise be considered business, i.e. an organization that is operating as a Non-Profit; although it charges market value for services available, and would be comparable in operations and perception to public as a For Profit Business.

Non-profit organizations conducting retail and/or commercial activity and charging rates or fees at market value are considered to be in competition with for-profit businesses and will not be eligible for tax exemption.

4. provides services or programs that are compatible or complementary to those offered by the City of Kelowna. When a service or program is offered by a non-profit group or club, the Community may benefit from a more cost effective provision of services.

Services provided by an organization should fulfill some basic need, or otherwise improve the quality of life for residents of Kelowna.

5. principal use of property meets Council's objectives. The "principal use of the property" refers to

the use related directly to the principal purpose of the organization **owning** the property.

Permissive tax exemptions will be based on the principal use of the property, not on the non-profit or charitable services of the organization.

6. will provide benefits and accessibility to the residents for Kelowna. Specifically, members of the public, within the appropriate age range, are able to join a club or organization and participate in its activities for a nominal rate or fee.

Kelowna residents must be the primary beneficiaries of the organization's services. The services provided on the property must be accessible to the public. Council may at its discretion provide partial exemptions.

7. that provide liquor and/or meal services as their primary function and/or source of revenue will not be eligible for permissive tax exemption.

8. provides short term housing with length of stay up to a maximum of two years.

This would include: emergency shelters, transitional housing, supportive housing for people with special needs, and group homes.

9. that have a residence in the building or on the property will only be exempt if a caretaking function is performed and the property owner (organization) can provide a copy of an agreement demonstrating:
 1. rent is not collected on the residence, and
 2. there is a caretaker agreement in place.

Administration

The Revenue Branch in the Financial Services Department will review all applications for completeness and contact the applicant if additional information is necessary.

The Revenue Branch will prepare a summary report of applications and bylaw for presentation to Council the first week of October for approval and adoption prior to October 31st of each year.

A public notice will be placed in the local newspaper of proposed bylaw. The notice will include:

Property subject to bylaw

Description of the proposed exemption

Number of years the exemption will be provided

Estimate of the amount of taxes that would be imposed on the property if it were not exempt for the year of exemption and following 2 years.

Public notice will be in accordance with Section 94 of the Community Charter.

Places of Worship, Private Schools, and Hospitals that have been approved for permissive tax exemption will be exempt for up to 5 years.

All other Non-Profit Organizations that have been approved will be exempt for 1 year. To be considered for future years

a renewal application must be submitted prior to July 15th of each year of the next 4 tax years. A comprehensive application must be submitted at least every 5 years.

Late Application

Applications received after the deadline for submission will be held until the next scheduled October presentation to Council that meets the application due date. Applicants may, at that time, request Council to consider a refund of the Municipal portion of taxes paid for the property to be exempted the following year.

REASON FOR POLICY

Provide clarity for permissive property tax exemption applications.

LEGISLATIVE AUTHORITY

Section 224 – *Community Charter*

PROCEDURE FOR IMPLEMENTATION

Council Resolution

PERMISSIVE TAX EXEMPTION

Council Workshop



PURPOSE OF WORKSHOP

- ▶ Provide an overview on Permissive Tax Exemptions:
 - ▶ The Authority provided to Council through the Community Charter
 - ▶ Permissive Tax Exemption Policy
 - ▶ Timeline of exemption process cycle
 - ▶ “Cost” of Tax Exemptions

AUTHORITY PROVIDED TO COUNCIL

- ▶ Community Charter - Section 224
 - ▶ Provides the general authority for permissive exemptions
 - ▶ Automatically exempts property from all taxation: Municipal, School, Regional District, Hospital, BCAA
 - ▶ Not excluded from utilities fees or parcel taxes
 - ▶ Exemption periods of up to 10 years

AUTHORITY PROVIDED TO COUNCIL

- ▶ Property already provided an exemption
 - ▶ Place of Worship
 - ▶ Private Schools
 - ▶ Hospitals

AUTHORITY PROVIDED TO COUNCIL

- ▶ Other property exemption categories
 - ▶ Special Needs Housing
 - ▶ Social Services
 - ▶ Cultural
 - ▶ Public Park, Recreational, Athletic
 - ▶ Other

AUTHORITY PROVIDED TO COUNCIL

- ▶ Other property tax exemptions
 - ▶ Partnering
 - ▶ Heritage
 - ▶ Revitalization

PERMISSIVE TAX EXEMPTION POLICY 327

- ▶ Purpose of Policy:

- ▶ Provides a framework/structure to further Council's objective:

“Enhance the quality of life while delivering services economically to the citizens of Kelowna”

PERMISSIVE TAX EXEMPTION POLICY 327

- ▶ Background
 - ▶ January 2006: Need to revise policy identified
 - ▶ March 2006: Task Force appointed
 - ▶ May 2006: Permissive Tax Exemption Policy 327 adopted by Council

PERMISSIVE TAX EXEMPTION POLICY 327 ELIGIBILITY CRITERIA

- ▶ Must be owned by:
 - ▶ BCAA classified and assessed
 - ▶ Place of Worship
 - ▶ Private School
 - ▶ Hospital
 - ▶ Registered Charity
 - ▶ Non-profit Organization
- ▶ Is in compliance with all municipal policies, bylaws and regulations

PERMISSIVE TAX EXEMPTION POLICY 327 ELIGIBILITY CRITERIA

- ▶ The applicant(s):
 - ▶ Provides services or programs that are compatible or complementary to those offered by the City of Kelowna
 - ▶ Principal use of the property meets Council's objectives
 - ▶ Provides benefits and accessibility to all residents of Kelowna

PERMISSIVE TAX EXEMPTION POLICY 327 ELIGIBILITY CRITERIA

- ▶ The applicant(s):
 - ▶ Provide short term housing with length of stay up to a maximum of two years.
 - ▶ That have a residence in the building or on the property will only be exempt if a caretaking function is performed
 - ▶ That provide liquor and/or meal services as their primary function and/or source of revenue will not be eligible for permissive tax exemption

PERMISSIVE TAX EXEMPTION PROCESS CYCLE

- ▶ 5 year cycle
 - ▶ General exempt properties
 - ▶ Year 1 - Comprehensive application
 - ▶ No annual renewal
 - ▶ Other non-profit organizations
 - ▶ Year 1 - Comprehensive application
 - ▶ Next 4 year - Renewal application
- ▶ July 15th - Application and renewal due date

PERMISSIVE TAX EXEMPTION PROCESS CYCLE

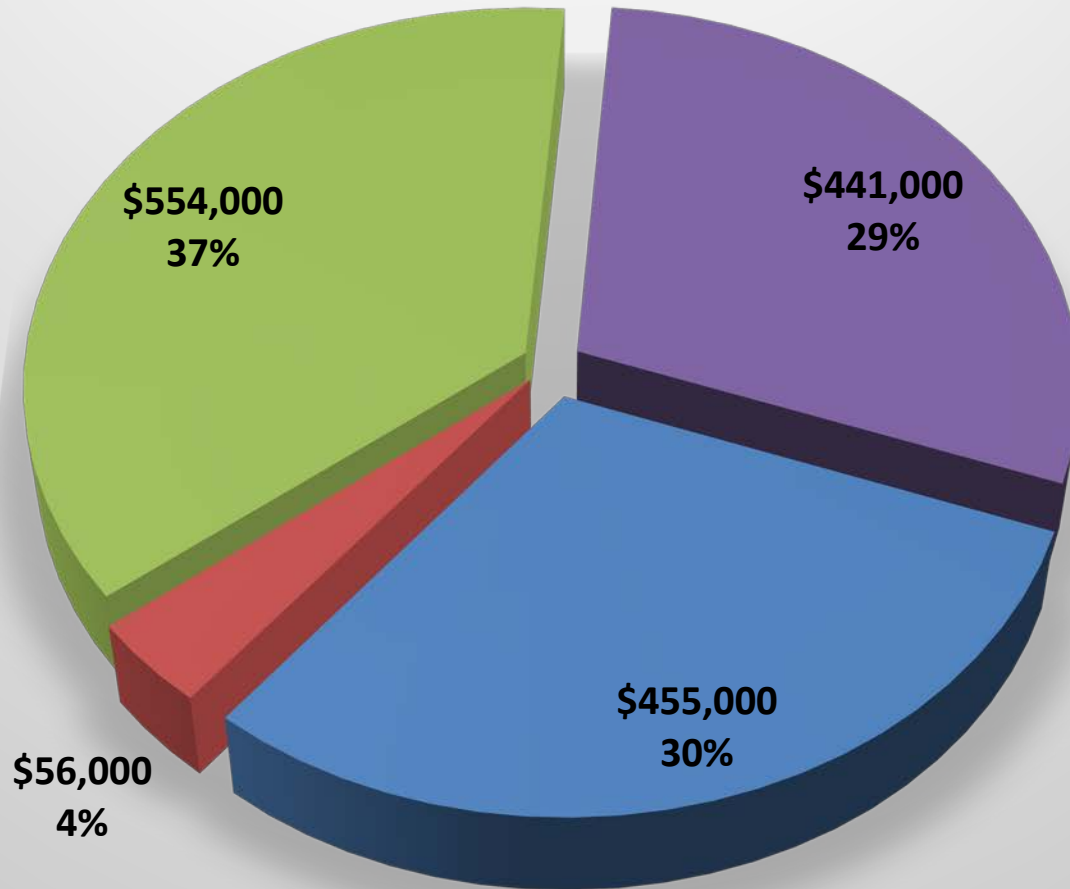
- ▶ July 16th - September 30th: Review process
- ▶ Beginning of October: Report to Council
- ▶ October 31st: Deadline for Permissive Tax Exemption bylaw to be adopted

“ COST ” OF PERMISSIVE TAX EXEMPTIONS

- ▶ Tax exemptions transfer the burden of taxation from properties that are exempt to properties that are taxable

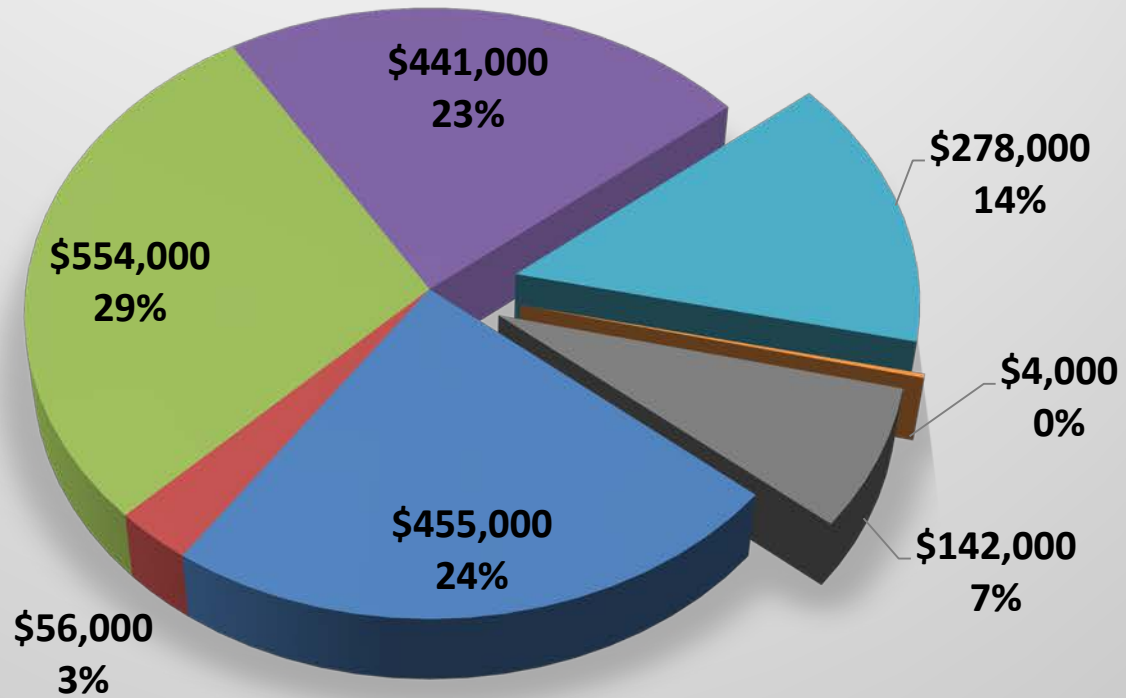
TOTAL PERMISSIVE TAX EXEMPTIONS FOR 2016 - \$1,506,000

- Places of Worship
- Special Needs Housing
- Social Services
Cultural
Other
- Park
Recreation and
Athletic



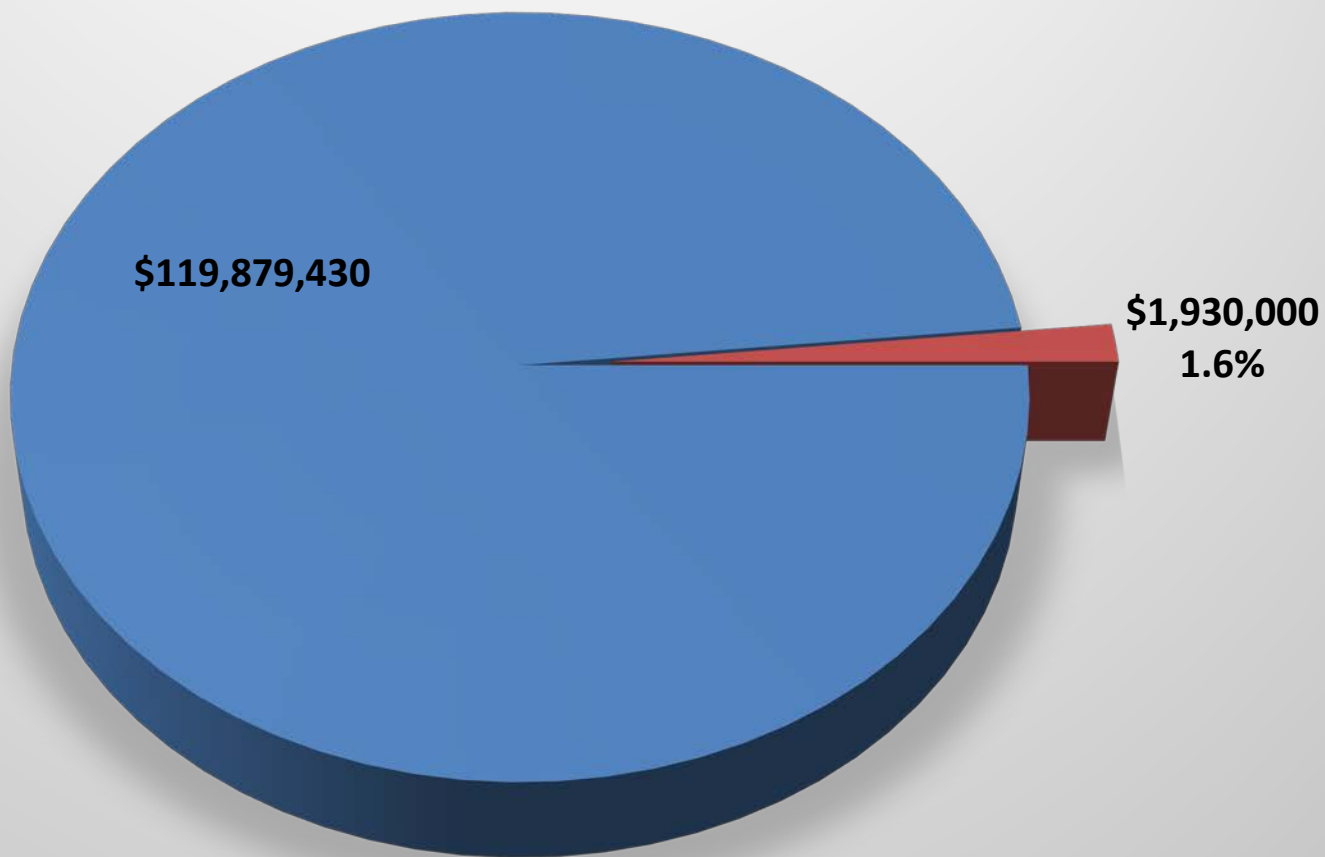
TOTAL TAX EXEMPTIONS FOR 2016 - \$1,930,000

- Places of Worship
- Special Needs Housing
- Social Services Cultural Other
- Park Recreation and Athletic
- Partnering
- Heritage
- Revitalization



TOTAL TAX DEMAND VS TOTAL TAX EXEMPTIONS FOR 2016

■ Taxation Demand (per Final Budget) ■ Total Tax Exemptions Approved for 2016



IN SUMMARY

- ▶ Council provides Permissive Tax Exemptions:
 - ▶ Places of Worship
 - ▶ Private Schools
 - ▶ Hospitals
 - ▶ Special Needs Housing
 - ▶ Social Services
 - ▶ Cultural
 - ▶ Public Park, Recreation or Athletic
 - ▶ Other

- ▶ Council provides other Tax Exemptions:
 - ▶ Partnering Agreements
 - ▶ Heritage building exemptions
 - ▶ Revitalization exemptions

IN SUMMARY

- ▶ Permissive Tax Exemption Policy 327
 - ▶ Provides a framework/structure
 - ▶ Meets Council mandate to have fair criteria for acceptance and/or denial of applications
- ▶ Permissive Tax Exemption Process Cycle
 - ▶ October 31st: Deadline for Permissive Tax Exemption bylaw to be adopted

IN SUMMARY

- ▶ “Cost” of Permissive Tax Exemptions
 - ▶ Transfers the burden of taxation to properties that are taxable
 - ▶ Permissive Tax Exemptions approved in 2016
 - ▶ \$1.5 Million
 - ▶ Other Tax Exemptions approved in 2016
 - ▶ \$424K
 - ▶ Total Tax Exemptions approved in 2016
 - ▶ \$1.9 Million
 - ▶ 1.6% in comparison to total 2016 Taxation demand (at Final budget)

QUESTIONS



Report to Council



Date: May 09, 2016
File: 0610-60
To: City Manager
From: Deputy City Clerk
Subject: Public Hearing Notification

Recommendation:

THAT Council receives for information, the Report of the Deputy City Clerk dated May 09, 2016 regarding the public hearing notification process for development applications;

AND THAT Council support option three for public hearing notification as outlined in the report of the Deputy City Clerk dated May 09, 2016;

AND FURTHER THAT staff report back to a Regular PM Meeting with the necessary policy and bylaw amendments related to changes to the public notification process for development applications.

Purpose:

To present Council with an overview of the public notification process for development applications and consider policy options related to the delivery area.

Background:

The Office of the City Clerk ensures that statutory notification to the public in various forms, related to a variety of activities of the City, is provided as required under the legislation. This includes preparing statutory public notices for all development applications under consideration by Council at a Public Hearing, or a Tuesday PM (Public) Regular Meeting. While the legislative requirements for public notification include posting, delivering, and newspaper advertising (OCP/Rezoning), the size of the delivery area for statutory notification is determined by Council through Bylaw.

Over the past five years, the City of Kelowna has moved from a statutory public notification delivery system that involved a hybrid of Canada Post mail delivery and hand delivery by a process server, to a system that exclusively uses the services of Canada Post. The initial

change in April 2010 reduced the cost per notice from \$0.52-0.85 (plus pickup and processing fees) to \$0.15 - \$0.52, while also addressing numerous service delivery issues and challenges.

In 2013, Council made further changes to public notification with the introduction of informational notices as a way to engage the community in Council decision-making less formally than through the statutory notice alone. These notices were intended to provide a general description of a proposed development application, direct residents to our website for additional information, and provide development related information to a larger area at a lower cost than the required statutory notice. Council made corresponding changes to the Development Applications Procedures Bylaw reducing the delivery areas for statutory notification from buffer areas of 50m and 100m/400m to adjoining and adjacent properties only.

Since the introduction of the informational notice (see Appendix 4) in September 2013, there have been numerous changes to community engagement in the development process. The City has increased social media and web presence in the community, enhanced web access to the development application process and meetings of Council, and required applicants through Council Policy to undertake mandatory public engagement activities prior to Council consideration of their application. With the increased engagement, there is a potential for the statutory notification to be difficult to distinguish.

Recommendation

Public notification delivery activities and costs are detailed in Appendix 2 attached to this report, showing the number of direct mail (statutory notices) and admail (informational notices) that have been delivered in 2014 and 2015. The number and type of notice show the corresponding direct cost of delivery with Canada Post, while the indirect costs related to the administration of each type of delivery have been borne by the Office of the City Clerk and supporting administration staff. A direct survey of the public on the value of the informational notice has not been undertaken, however, there has been no noticeable change to the amount of correspondence received from the public, or to the number of people attending public hearings over the last few years. The type of application continues to be the best indicator of the level of public engagement in the decision-making process.

Based on the information reviewed, including practices of other municipalities as detailed in Appendix 1, the following options related to the public notification process are provided for Council consideration, with option 3 being recommended by staff:

1. Continue with the current process, delivering statutory notices to the adjoining and adjacent properties, and an informational notice to those within the same postal delivery route. Cost: approximately \$25,000 annually;
2. Deliver the current statutory notice only to adjoining and adjacent properties. Cost: approximately \$10,000 annually; or
3. Create a new statutory notice and change the notification delivery area to include properties and residents within a 30m buffer area for all OCP/Rezoning, DVP/HAP, and Liquor Licensing applications. Cost: approximately \$13,000 annually.

The statutory requirements for the delivery of public notices is part of ensuring all applications follow a fair process for public participation in decisions of Council. The requirements for notice ensures that the City, on behalf of Council, provides members of the public with the specifics of a proposed change, access to the full information upon which a decision is to be made, and information on their participation in the decision making process. The statutory notice (see appendix 3), while a critical tool for engagement, is also a reflection of our accountability to the public and therefore will benefit from a single distinct form that distinguishes it from other media tools.

Internal Circulation:

Community Planning Department Manager
Community Engagement Consultant

Legal/Statutory Procedural Requirements:

Local Government Act Section 466
Community Charter Section 94

Existing Policy:

Council Procedures Bylaw No.9200
Development Application Procedure Bylaw No.10540
Council Policy No. 359 Liquor Licensing Policy and Procedures
Council Policy No. 367 Public Notification and Consultation for Development Applications
Council Policy No. 369 Circulation of Correspondence to Council

Communications Comments:

Considerations not applicable to this report:

Legal/Statutory Authority:

Financial/Budgetary Considerations:

Personnel Implications:

External Agency/Public Comments:

Alternate Recommendation:

Submitted by:

K. Needham, Deputy City Clerk

Approved for inclusion: Rob Mayne, Divisional Director, Corporate & Protective Services

Attachments:

Appendix 1 - Sample - BC Local Government Practices
Appendix 2 - City of Kelowna Notification Statistics 2014-2016
Appendix 3 - Current Statutory Notice
Appendix 4 - Current Informational Notice

cc: Stephen Fleming, City Clerk

Appendix 1

Notice of Public Hearings

	OCP/Rezoning	DVP	LL	
Abbotsford	Urban areas: 100m Rural areas: 500m	Adjoining and adjacent	100 m	
Burnaby	30 m	30 m	30 m	
Chilliwack	30 m	30 m	30 m	
Coquitlam	100 m	50 m	120 m	
Delta	45.7 m	45.7 m	45.7 m	
Kamloops	Urban: 100 m Rural: 400 m	100 m	100 m	
Kelowna	Adjoining and adjacent	Adjoining and adjacent	Adjoining and adjacent	Also, informational notices to postal routes
Langely	100 m and a minimum of 5 properties along the road	Adjoining and adjacent	100 m and a minimum of 5 properties along the road	
Nanaimo	10 m (or width of road plus 10 m)	10 m	100 m	
New Westminster	100 feet	100 feet	No mail out unless specified by Council	
Penticton	45 m	45 m	45 m	
Port Coquitlam	120 m	120 m	240 m	
Prince George	Adjoining and adjacent	30 m	30 m	
Richmond	50 m	50 m	Not officially specified, but in practice 50 m	
Saanich	90 m	50 m	New: 180 m Existing: 90 m	
Surrey	100 m or 3 lots (whichever is greater)	100 m or 3 lots	100 m or 3 lots	
Vernon	30 m	30 m	60 m	
Victoria	100 m	Adjoining and adjacent	50 m	
West Kelowna	100 m	100 m	100 m	

Appendix 2

2014-2016 Public Notification Delivery Summary

Year	Quarter	Statutory Notices	Statutory Notice Cost	Informational Notices	Informational Notice Cost	Total Cost	Number of Items	Pieces of Correspondence Received
2014		7712	\$8,097.60	95915	\$15,149.00	\$23,246.60	135	704
	Q1	744	\$781.20	17212	\$2,830.74	\$3,611.94	20	15
	Q2	2057	\$2,159.85	32466	\$5,215.53	\$7,375.38	41	256
	Q3	1954	\$2,051.70	30203	\$4,639.67	\$6,691.37	32	162
	Q4	2957	\$3,104.85	16034	\$2,463.06	\$5,567.91	42	271
2015		9250	\$9,712.50	123643	\$16,002.87	\$25,715.37	162	290
	Q1	1519	\$1,594.95	24610	\$3,693.96	\$5,288.91	41	58
	Q2	1630	\$1,711.50	27527	\$3,728.19	\$5,439.69	43	84
	Q3	4357	\$4,574.85	45455	\$5,454.60	\$10,029.45	46	92
	Q4	1744	\$1,831.20	26051	\$3,126.12	\$4,957.32	32	56
2016								
	Q1	789	\$828.45	22723	\$3,410.72	\$4,239.17	27	128

**APPENDIX 3
SAMPLE**

March 22, 2016

RE: NOTICE OF PUBLIC HEARING



Dear Property Owner/Occupier,

We wish to advise that in compliance with instructions received from the Kelowna City Council, the following proposed bylaw to amend the City of Kelowna Zoning Bylaw 8000 is currently under consideration by City Council:

468 Barkley Road
Lot 16, District Lot 167, ODYD, Plan 13550
Bylaw No. 11208 (Z15-0067)

The applicant is proposing to rezone the subject property to facilitate the development of a carriage house.

Requested zoning change: From the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone.

Owner/Applicant: Wayne & Lisa Heinen / Wayne Heinen
(see map on reverse for location)

Public Hearing

Notice is given that City Council will hold a public hearing on:

Tuesday, April 5, 2016 at 6pm
Kelowna City Hall, 1435 Water Street
Council Chambers

Council will hear representations from the public who deem an interest in the properties affected by the proposed change in land use regulations.

Further Information

You may also obtain further information in regards to this application on the internet at kelowna.ca/council or by phone at 250-469-8515 (ask to speak to Trisa Brandt), or in person on the 2nd Floor at City Hall, 8am-4pm, Monday to Friday inclusive (excluding Statutory Holidays).

Public Comments

Comments may be made in person at the public hearing, or submitted online by email to cityclerk@kelowna.ca, or by letter to the Office of the City Clerk, 1435 Water Street, Kelowna, BC V1Y 1J4.

Presentations at the public hearing are limited to a maximum of five minutes. If a person has additional information they shall be given further opportunity to address Council after all other members of the public have been heard a first time.

No representation will be received by Council after the conclusion of the public hearing.

Correspondence, petitions and e-mails relating to this application must include your name and civic address. Petitions should be signed by each individual and show the address and/or legal description of the property he or she believes would be affected by the proposal. Correspondence and petitions received between March 22, 2016 and 4pm on **Monday April 4, 2016** shall be copied and circulated to City Council for consideration at the public hearing.

Any submissions received after 4 pm on Monday, April 4, 2016 will not be accepted.

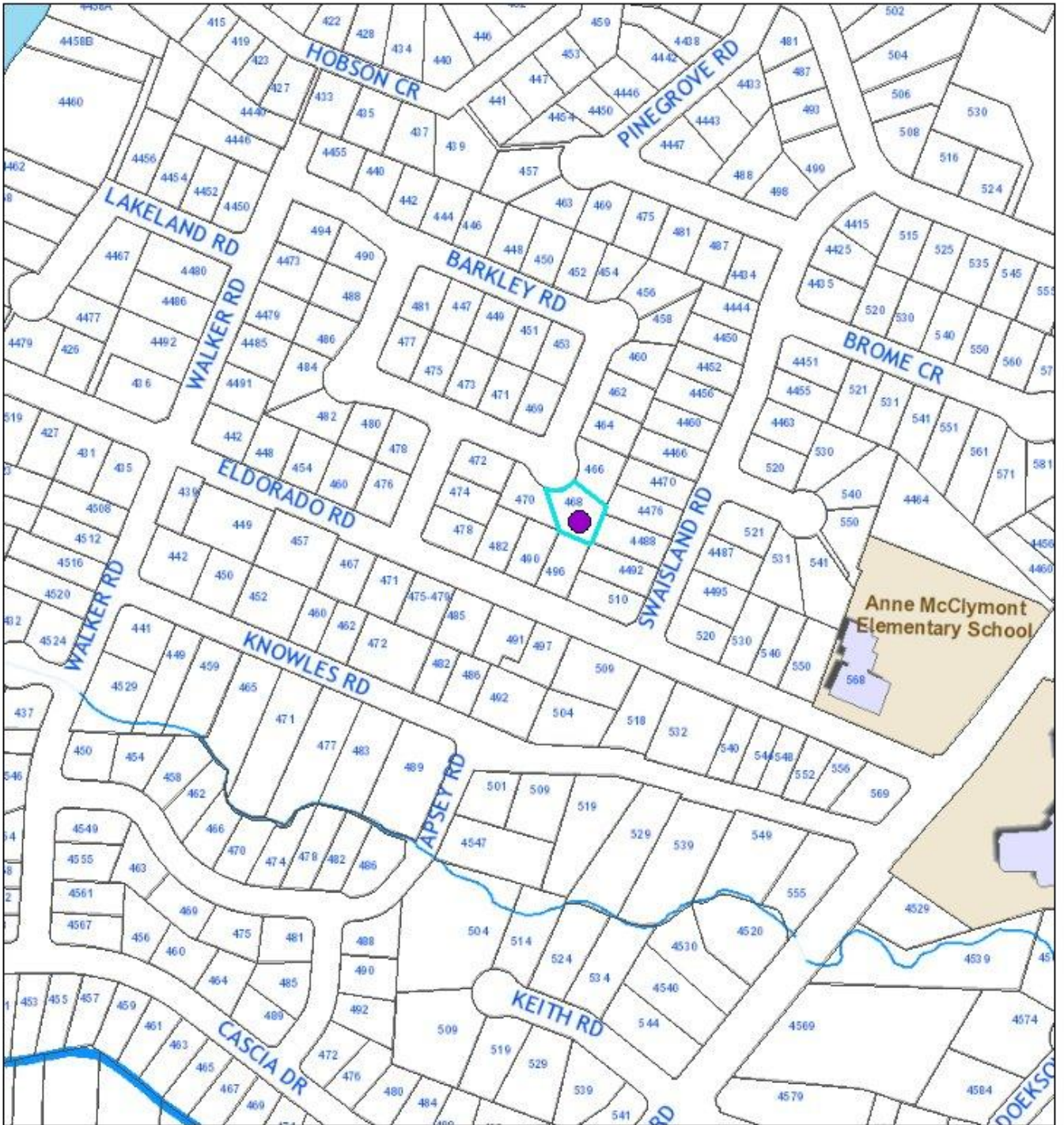
The public may review copies of the proposed bylaws, Council reports and related materials online at kelowna.ca/council or at the Office of the City Clerk at City Hall from 8am-4pm, Monday to Friday, as of March 22, 2016 and up to and including April 5, 2016.

Thank you,

Office of the City Clerk
cityclerk@kelowna.ca

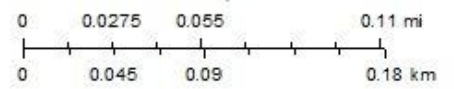
Office of the City Clerk
1435 Water Street
Kelowna, BC V1Y 1J4
TEL 250 469-8645
FAX 250 862-3315
kelowna.ca/council

Z15-0067



February 26, 2016

1:3,472



This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

City of Kelowna

In your neighbourhood

Get involved and have your say

Office of the City Clerk

cityclerk@kelowna.ca
250-469-8645
kelowna.ca/council

Community Planning

Trisa Brandt
tbrandt@kelowna.ca

Broadcast

castanet.net

Council Meetings
Mondays at 1:30 p.m.
Public Hearings
every second Tuesday at 6 p.m.

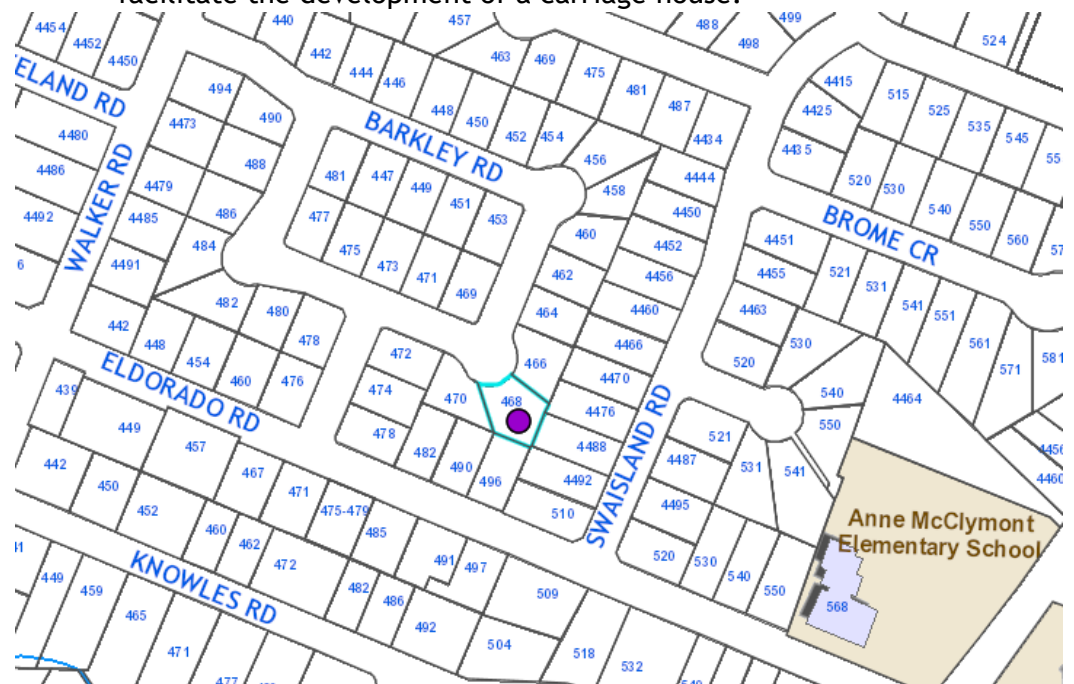
Shaw Cable 11

Wednesday and Fridays at
11 a.m.

Kelowna City Council

City Hall
1435 Water Street
Kelowna BC V1Y 1J4
TEL 250 469-8980
FAX 250-862-3399
kelowna.ca

The City has received an application to rezone the subject property to facilitate the development of a carriage house.



*If you receive this notice, you are in the same Postal Delivery route area as the subject property.

Address: 468 Barkley Road
Application No: Z15-0067
Applicant: Wayne Heinen



Public Hearing
Tuesday, April 5, 2016
6 p.m.



Email
cityclerk@kelowna.ca



Phone
250-469-8626



Online
kelowna.ca/
currentdevelopments

Unable to attend the Public Meeting?

Written comments may be sent to the **Office of the City Clerk** until
4 pm on Monday, April 4, 2016 prior to the meeting for circulation to Council.

Visit kelowna.ca/getconnected to subscribe to e-updates delivered directly to your inbox.



City of
Kelowna

PUBLIC NOTIFICATION

Development Applications

May 16, 2016



PUBLIC NOTIFICATION

- ▶ Legislative requirements
- ▶ Current Practice
- ▶ Options and Costs

LEGISLATIVE REQUIREMENTS

- ▶ Section 466 of the Local Government Act:
 - ▶ Notification Requirements:
 - ▶ Statutory Notices must contain general meeting information (time, place, date); a description of the properties that are the subject of the amending bylaw; the change in use/density; and how comment may be provided to Council
 - ▶ Mailed to the property owners/occupants of the properties within the **distance specified by bylaw**
 - ▶ Advertised in the newspaper in two consecutive issues no more than 10 days and no less than 3 days before meeting

CITY OF KELOWNA NOTIFICATION

2010		Present
<ul style="list-style-type: none"> • Hand delivery of statutory notices within the 100m buffer area • Direct Mail – statutory notice to non-occupant property owners 	<ul style="list-style-type: none"> • Admail – statutory notices to residents within the same postal code delivery area • Direct Mail - statutory notices to the owners and occupiers of properties within 50 m /100/400m 	<ul style="list-style-type: none"> • Admail - informational notice to residents in the same postal code delivery area • Direct Mail - statutory notices to the owners and occupiers of adjoining and adjacent properties

COST IMPLICATIONS

Description	Delivery Cost
<p>Option 1: Status Quo Statutory notices to adjoining and adjacent properties and informational notice to occupants in the same postal code delivery area</p>	<p>\$25,000/year</p>
<p>Option 2: Status Quo for Statutory Notices & Eliminate Informational Notices *Statutory notices to adjoining and adjacent properties</p>	<p>\$10,000/year</p>
<p>Option 3: Create a new Statutory Notice, increase buffer area & eliminate informational notices *Updated Statutory notice with new buffer area</p>	<p>\$13,000/year (30m buffer) \$15,000/year (50m buffer) \$25,000/year (100m buffer)</p>