

City of Kelowna

Regular Council Meeting

AGENDA



Monday, September 13, 2021

9:00 am

Council Chamber

City Hall, 1435 Water Street

Pages

1. Call to Order

2. Confirmation of Minutes

3 - 4

Regular AM Meeting - August 23, 2021

3. Reports

3.1. Development Cost Charge Update

90 m

5 - 43

To provide Council with an overview of the proposed changes to the 20-Year Servicing Plan and the associated DCC Bylaw prior to stakeholder engagement.

3.2. Deputy City Clerk, Verbal Report, 2022 Council Meeting Schedule

5 m

To present the draft 2022 Council Meeting Schedule.

3.3. Deputy City Clerk, Verbal Update, re: December Public Hearing

5 m

To consider moving the December 7, 2021 Pubic Hearing to November 30, 2021.

3.4. Electronic Council Meeting and Public Hearing Procedures

30 m

44 - 59

To provide direction on options for electronic Council meetings and public hearings.

4. Resolution Closing the Meeting to the Public

THAT this meeting be closed to the public pursuant to Section 90(2)(b) of the Community Charter for Council to deal with matters relating to the following:

- Confidential Information from the Provincial Government

5. Adjourn to Closed Session
6. Reconvene to Open Session
7. Issues Arising from Correspondence & Community Concerns
 - 7.1. Mayor Basran, re: Issues Arising from Correspondence 30 m
8. Termination



**City of Kelowna
Regular Council Meeting
Minutes**

Date: Monday, August 23, 2021
 Location: Council Chamber
 City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Gail Given, Luke Stack and Loyal Wooldridge

Members participating remotely Councillors Charlie Hodge, Brad Sieben and Mohini Singh

Members Absent Councillor Ryan Donn

Staff Present City Manager, Doug Gilchrist; Deputy City Clerk, Laura Bentley

(* Denotes partial attendance)

1. Call to Order

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

2. Confirmation of Minutes

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

Ro803/21/08/23 THAT the Minutes of the Regular AM Meeting of August 9, 2021 be confirmed as circulated.

Carried

3. Resolution Closing the Meeting to the Public

Moved By Councillor Stack/Seconded By Councillor Singh

Ro804/21/08/23 THAT this meeting be closed to the public pursuant to Sections 90(1)(a),(e),(k) and 90(2)(b) of the Community Charter for Council to deal with matters relating to the following:

- Position Appointment
- Acquisition of Land or Improvements
- Negotiations regarding Provision of a Service
- Third Party Information
- Confidential Information from the Provincial and Federal Government

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 11:24 a.m.

6. **Issues Arising from Correspondence & Community Concerns**

There were no issues arising.

7. **Termination**

The meeting was declared terminated at 11:24 a.m.

Mayor Basran

lb/acm





Deputy City Clerk

Report to Council



Date: September 13, 2021
To: Council
From: City Manager
Subject: Development Cost Charge Update
Department: Infrastructure Engineering

Recommendation:

THAT Council receives, for information, the report from the Infrastructure Engineering Manager dated September 13, 2021, with respect to updating the 20-Year Servicing Plan and the associated Development Cost Charge Bylaw;

AND THAT Council direct staff to move forward with stakeholder engagement prior to returning to Council for reading consideration.

Purpose:

To provide Council with an overview of the proposed changes to the 20-Year Servicing Plan and the associated DCC Bylaw prior to stakeholder engagement.

Background:

The purpose of the 20-Year Servicing Plan is to provide a detailed analysis of the major servicing required to accommodate growth as outlined in the Official Community Plan (OCP) and provide the foundation document for the Development Cost Charge (DCC) Bylaw. In conjunction with the proposed 2040 OCP and 2040 Transportation Master Plan (TMP), the 20-Year Servicing Plan has been updated to reflect future infrastructure demands for the community. The 20-Year Servicing Plan informs the DCC Bylaw which sets out the charges imposed on developers to offset infrastructure expenditures incurred by the City to service the needs for new development.

DCCs assist local governments in recovering a portion of the costs expended on growth-related infrastructure triggered by development. DCCs facilitate development by providing a method to finance capital projects related to public roads, water, sanitary sewer, drainage and parkland acquisition and development as defined by the Local Government Act.

The Local Government Act limits the infrastructure eligible for recovery through DCCs to road, water, sanitary and drainage infrastructure as well as parkland acquisition and development. Although this provides an essential framework to service growth, there are many other infrastructure needs required to satisfy the demands of a growing community such as protective services, transit service,

recreation/cultural and operational facilities. As well, DCCs only cover a portion of the upfront capital investment for the eligible categories and do not support long-term operation, maintenance, or renewal costs of infrastructure.

Minor DCC Bylaw updates, to bring project cost estimates in line with updated market construction and land acquisition cost information, occur regularly, most recently in April 2019. In February 2020, a new Parks Development DCC category was added to the program. The last major update to the 20-Year Servicing Plan was in 2011 in conjunction with the 2030 OCP.

The objectives of this major update to the 20-Year Servicing Plan and DCC Bylaw are:

- Servicing plan and financial strategy to accommodate growth identified in 2040 OCP
- Equitable approach that aligns with best practice,
- Simplify where possible and ensure transparency,
- Minimize rate increases.

The 20-Year Servicing Plan and DCC rates presented in this report align with the 2040 OCP, 2040 TMP, Utility infrastructure plans and 10-Year Capital Plan.

To facilitate the update an inter-departmental team was formed with representation from Finance, Planning, Development Engineering, and Infrastructure Engineering. The Urban Development Institute was provided an opportunity to comment on the underlying assumptions and methodology of the update but the proposed DCC rates in this report are being presented for the first time. The team used the Development Cost Charge Best Practice Guide developed by the Province to guide the update and ensure 20-Year Servicing Plan and DCC Bylaw are fair, understandable, and transparent.

Hemson Consulting was retained to provide expertise and comparative data from other municipalities. Hemson Consulting was selected for their vast experience working with municipal clients developing DCC programs and infrastructure financing strategies in BC and across Canada.

Proposed DCC Program:

The 2040 OCP estimates an additional 44,000 residents and a total population of nearly 180,000 by 2040. Housing needs related to the 2040 population projections anticipate that demand for apartment, townhomes and compact family-friendly housing options will outpace the demand for single-detached housing. As a result of changing housing preferences, transportation behavior and demographics in Kelowna, the 2040 OCP anticipates greater demand for housing in walkable mixed-use neighbourhoods. For this reason, the City is looking to direct a significant share of future growth to Kelowna's Urban Centres in the form of medium to high-density apartments, as well as ground-oriented units. As housing prices rise and household sizes decrease, it is anticipated that many citizens will be challenged to afford home ownership. These forces will strengthen the demand for long-term rental housing and enhance the viability of purpose-built rental apartment projects, secondary suites, and carriage houses.

Commercial, Institutional, and Industrial land uses were estimated based on the non-residential land available for development. Modest growth in each of the non-residential categories is expected in the 2040 planning horizon.

The 20-Year Servicing Plan and DCC Bylaw are interrelated and for simplicity will be collectively termed herein as the 'DCC program.'

In this update, the DCC program has increased from \$1.1 to \$1.3 billion with the overall share of the increase distributed relatively evenly between Developer funded and City funded sources (+/- 2%). The Province has indicated it will not approve unsecured grants as part of the financing strategy, so these have been removed. The City will continue to pursue grants where possible for some of the major DCC projects and, if successful, the DCC program will be updated to reflect the financial benefit of the grant revenue. The changes between the current and proposed DCC program are shown in Table 1.

\$ Millions	Current	Proposed	Change
Total Program	\$1,105.3	\$1,301.2	\$195.9
Developer Funded	\$733.5	\$879.0	\$145.6
	66%	68%	
Tax / Utility Supported	\$326.7	\$391.7	\$65.0
	30%	30%	
Grants	\$45.1	\$30.5	(\$14.6)
	4%	2%	

Table 1. Proposed DCC Program.

The current DCC program aligns closely with the BC Best Practice Guide but there are several modifications that will help to make it more understandable, transparent, and better reflect the true cost of servicing different forms of development.

Summarized below are the big moves and challenges addressed in the current update:

1. Construction and land acquisition increases. Even before the pandemic, municipalities across British Columbia and the country were experiencing upward pressure on construction costs, with tender costing coming in significantly higher than engineering estimates included in budget, long range plans and master servicing plans. The increased level of construction activity across the province in recent years has resulted in trade shortages and significant material supply competition, resulting in higher project costing. The pandemic has only

exacerbated these issues. The factors influencing the upward construction prices is not expected to soften in the foreseeable future and municipal capital project costs will continue to increase at rates greater than core inflation.

The last DCC update for construction costs was based on 2018 prices and it estimated that there has been a 14% increase in the last 3-years. Similarly, land costs have increased at an estimated 40% over the last 3-years. All project cost in the DCC program have been updated to reflect these cost increases and this has placed upward pressure on the DCC rates.

2. Secondary Suites and Carriage Houses. A significant portion of single-family homes in Kelowna are being built with suites to assist homeowners with financing. To account for and encourage these units, the current DCC program levies a reduced charge of \$2,500 per secondary suite unit. This policy practice is unique and does not align with best practice as it fails to account for the servicing impacts of suites on infrastructure. Most municipalities in British Columbia treat this form of housing as ground-related multi-family units or as single-family units for the purpose of rate calculation, if they do not exempt them outright.

To encourage the provision of alternative housing options and account for serving demand for this type of development, it is proposed that a secondary suites DCC be included in the DCC charge for the Residential 1 & 2 categories which includes single family, duplexes and row housing. Simply stated, once the homeowner pays their residential DCC for the base build the secondary suite can be constructed with no further DCCs levied. This applies to all residential categories including Res 1, 2, 3 & 4, although most secondary suites will be within the Res 1 and Res 2 categories.

Laneway, or carriage houses are currently levied a flat rate \$2,500 DCC which does not reflect the servicing demand of these detached residents. The population per unit for carriage home is forecast at 1.8 persons and has a comparable servicing demand to a townhouse or walk-up apartment. The proposed DCC program would assess carriage houses a Residential 3 DCC which is the same charge assessed for row housing and 4-storey apartments.

3. Industrial DCCs. Historically, industrial development has been primarily land-extensive in nature, often resulting in buildings with modest gross floor area and coverage ratios when compared to the total area of the development site.

However, given the changing nature of industrial-type work and shifting development trends, it is becoming increasingly common for 'light industrial' type employment, such as some production, distribution, and repair-focused activities, to occur in higher-density built forms. As these activities are able to locate on smaller sites with more gross floor area and higher coverage ratios, including multi-story development in some cases, the land area of site may not

reflect the amount of employment and customers, or subsequent demand for services, occurring thereon.

The City has some of the lowest Industrial DCCs in the province that do not fully fund the servicing demands of the shifting 'light industrial' development trend. To better reflect the true cost for servicing the Industrial category has been split into two categories – Light Industrial and Heavy Industrial. The distinction between the two industrial categories will be based on the proposed zoning bylaw. I₃ (Heavy Industrial) and I₅ (Extraction) categories of the bylaw will be subject to the Heavy Industrial DCC based on gross site area. All other industrial zones would be categorized and charged a Light Industrial DCC based on gross floor area. The Light Industrial DCC is approximately 50% of the Commercial DCC rate and is more in line with the cost of servicing this development form

4. Storm Drainage DCC. DCC legislation permits the inclusion of a Drainage DCC to fund the infrastructure required to meet the demands placed on drainage systems and natural flood zones by development. The City does not currently collect a separate Drainage DCC but does fund minor drainage infrastructure associated with road works through the DCC program. This includes catch basins, manholes and drainage mains needed for drainage on DCC roads.

The recent floods of 2017 and 2018 have demonstrated a need to manage the City's major drainage systems which include the City's creeks and streams. A new Drainage DCC is proposed to fund the work along Mill Creek, a primary drainage corridor that runs through the City's urban core and is an area of future development densification.

The new DCC would be supported by the approved federal Disaster Mitigation and Adaptation Fund grant and general revenue.

5. Parks Acquisition DCC for Commercial/Industrial. Council approved the Parks Development DCC in February 2020 and as part of the preferred scenario Council directed staff to explore the inclusion of a Parks Acquisition DCC for the Commercial and Industrial DCCs. This new Parks Acquisition DCC is now included in proposed Commercial and Industrial DCC rates.
6. Shift to City Wide DCCs. The BC Best Practice Guide allows DCCs to be calculated on a city-wide or area specific basis, however, the recommended practice is that DCCs are established on a city-wide basis, unless there is a significant disparity between development and benefiting users. Staff considered both options and applied a city-wide charge to all service areas except Transportation where the sectors were consolidated from six in the current program to three for the proposed DCC program. The three sectors within Transportation were retained as there is unique transportation challenges to each sector that warrant the sector approach.

Proposed DCC Rates:

The following tables outline the proposed DCC rates applicable to three areas of the City as defined by the Transportation sectors. The sectors include:

- Sector I – Inner City (including City Centre, South East Kelowna, Rutland, Black Mountain)
- Sector B – South Mission
- Sector E – North of Inner City (including University, McKinley, Airport and north Industrial)

These rates include all DCCs (i.e. water, wastewater, drainage, parks, and transportation). DCC rates are for comparative purpose and actual rates may differ based on services received. For example, development in South East Kelowna would not pay Wastewater DCCs because there is no service in that area and the total DCC would be lower than that shown in Table 2. Similarly, water service for the area north of the Inner City is supplied primarily from other water purveyors so the Water DCC is not included in Table 4 but may be assessed by another purveyor or the City depending on the location of the development.

All DCCs except transportation are city-wide and uniform across the City. Transportation DCCs vary based on three sectors therefore it is necessary to show three tables for comparative purposes. Appended to this report is the DCC schedule showing a breakdown of all DCCs.

Inner City		
Unit type	Existing Rate	Proposed Rates
Residential 1 - Single family residential	\$ 30,989	\$ 36,319
Residential 2 - Low rise Multi-family Residential (16-35 unit/ha)	\$ 29,003	\$ 34,311
Residential 3 - Low rise Multi-family Residential (36-85 units/ha) , Carriage homes	\$ 24,678	\$ 28,325
Residential 4 - Mid-rise/Apartment Residential (>85 unit/ha)	\$ 23,977	\$ 27,087
Commercial (per m2)	\$ 82	\$ 96
Institutional General (per m2)	\$ 60	\$ 71
Primary and Secondary Schools, Post-secondary Dorms (per m2)	\$ 28	\$ 30
Heavy Industrial (per hectre)	\$ 87,453	\$ 100,428
Light Industrial (per m2)	New	\$ 49

Table 2 - Inner City proposed DCC rates. Rates are for comparative purpose and actual rates may differ based on services received. Assumed all Inner City development pay DCC for wastewater service. Developments not receiving this service would not be charged wastewater DCC.

Southwest Mission		
Unit type	Existing Rate	Proposed Rates
Residential 1 - Single family residential	\$ 48,508	\$ 55,138
Residential 2 - Low rise Multi-family Residential (16-35 unit/ha)	\$ 45,615	\$ 51,518
Residential 3 - Low rise Multi-family Residential (36-85 units/ha) , Carriage homes	\$ 36,519	\$ 40,260
Residential 4 - Mid-rise/Apartment Residential (>85 unit/ha)	\$ 35,166	\$ 37,962
Commercial (per m2)	\$ 139	\$ 158
Institutional General (per m2)	\$ 118	\$ 133
Primary and Secondary Schools, Post-secondary Dorms (per m2)	\$ 26	\$ 30
Heavy Industrial (per hectre)	\$ 128,216	\$ 146,914
Light Industrial (per m2)	New	\$ 80

Table 3 - Southwest Mission proposed DCC rates. Rates are for comparative purpose and actual rates may differ based on services received.

The proposed DCC rates for the Inner City and South Mission increase in a range from 6% to 18% depending on the development type and are within the range of cost escalation for construction and land acquisition that Kelowna has experienced in the last three years. These DCC rates are in the mid-range of similar BC municipalities DCCs. The new Light Industrial DCC reflects the impacts of servicing this development type and is comparable to the Industrial DCC levied by other similar communities.

North of Inner City		
Unit type	Existing Rate	Proposed Rates
Residential 1 - Single family residential	\$ 33,147	\$ 43,344
Residential 2 - Low rise Multi-family Residential (16-35 unit/ha)	\$ 31,438	\$ 40,735
Residential 3 - Low rise Multi-family Residential (36-85 units/ha) , Carriage homes	\$ 26,410	\$ 32,780
Residential 4 - Mid-rise/Apartment Residential (>85 unit/ha)	\$ 25,772	\$ 31,147
Commercial (per m2)	\$ 88	\$ 119
Institutional General (per m2)	\$ 66	\$ 94
Primary and Secondary Schools, Post-secondary Dorms (per m2)	\$ 22	\$ 25
Heavy Industrial (per hectre)	\$ 86,097	\$ 113,363
Light Industrial (per m2)	New	\$ 60

Figure 4 - North of Inner City proposed DCC rates. Rates are for comparative purpose and actual rates may differ based on services received. Assumed all development do not receive water service from City and are not subject to Water DCC.

The proposed DCC rates for North of the Inner City increase in a range from 14% to 32% depending on the development type and, in addition to inflationary impacts, reflect the large infrastructure projects targeted for this area including the extension of Hollywood Rd, 4-Laning Glenmore Rd south of John Hindle Dr and connection of the north Industrial area to the Highway via Commonwealth Rd. It is worth noting that these rates do not include the 4-Laning of Glenmore north of John Hindle Dr to McKinley Rd.

The new Light Industrial DCC reflects the impacts of servicing this development type and is comparable to the Industrial DCC levied by other similar communities. The Heavy Industrial rate remains one of the lowest in the province.

In summary, the City has demonstrated its commitment to achieving a balanced approach for this DCC update. While key cost drivers (land and construction costs) are entirely beyond the City's control, the City has contained the size of the DCC program and implemented improvements that reflect the true

cost of servicing growth while at the same time ensuring the DCC program is understandable, transparent and aligns with best practice.

Legal/Statutory Procedural Requirements:

The Local Government Act requires the Inspector of Municipalities to approve local government DCC bylaws. The following process, which is recommended by the DCC Best Practices Guide, is being followed by staff for amending the DCC Bylaw.

- Draft DCC program prepared by staff – Jun 2020 – Sep 2021
- Report to inform Council – Sept 2021
- Stakeholder engagement and public information meeting – Oct – Nov 2021
- Council readings (1st, 2nd, and 3rd) of proposed DCC Bylaw - Nov 2021,
- Submission of DCC Bylaw and Supporting Documentation to Ministry of Community Services – Nov 2021,
- Statutory approval from Inspector of Municipalities – 8 weeks (estimate)
- Fourth Reading and adoption of DCC Bylaw by Council - Feb 2022 (estimate)

Legal/Statutory Authority:

The Development Cost Charge (DCC) Bylaw sets out the charges collected from Developers for public roads, water, sewer, drainage and public parkland acquisition and development when subdividing or constructing, altering, or extending a building, pursuant the Local Government Act.

Internal Circulation:

OCP Project Planner
Parks & Buildings Planning
Utility Planning
Strategic Transportation Planning
Transportation Engineering
Infrastructure

Considerations applicable to this report:

Financial/Budgetary Considerations:
Existing Policy:
External Agency/Public Comments:
Communications Comments:

Submitted by: J. Shaw, Infrastructure Engineering Manager

Approved for inclusion: J. Vos, Acting Division Director, Infrastructure

Attachment 1 – DCC Rate Schedule (Schedule A)
Attachment 2 – Development Cost Charge Update Presentation

Schedule A - Proposed DCC Rates

Land Use	Service Area	Transportation			Water	Wastewater		Drainage	Parks		Total*		
	Sector	R-I	R-B	R-E	W-A	S-A	T-A	D-A	P-A	P-D	R-I	R-B	R-E
	Note	Inner City/ Common	South Mission	University/ McKinley	Service Area Wide	Service Area Wide	Service Area Wide	City-wide	City-wide	City-wide	Combined	Combined	Combined
Residential 1	To 15 Units/Hectare Each Lot or Dwelling Unit	\$12,336	\$31,156	\$20,798	\$1,437	\$1,634	\$5,063	\$843	\$8,652	\$6,354	\$36,319	\$55,138	\$43,344
Residential 2	> 15-35 Units/Hectare Each Dwelling Unit	\$11,278	\$28,485	\$19,016	\$1,314	\$1,494	\$4,629	\$590	\$8,652	\$6,354	\$34,311	\$51,518	\$40,735
Residential 3	> 35-85 Units/Hectare Each Dwelling Unit	\$7,823	\$19,758	\$13,190	\$911	\$1,036	\$3,211	\$337	\$8,652	\$6,354	\$28,325	\$40,260	\$32,780
Residential 4	> 85 Units/Hectare Each Dwelling Unit	\$7,128	\$18,003	\$12,018	\$830	\$944	\$2,926	\$253	\$8,652	\$6,354	\$27,087	\$37,962	\$31,147
Commercial	Per Square Metre (Minimum charge equivalent to 93 sq.m)	\$40.85	\$103.16	\$68.87	\$4.76	\$5.41	\$16.77	\$3.37	\$14.33	\$10.52	\$96.00	\$158.31	\$119.26
Institutional	Per Square Metre (Minimum charge equivalent to 93 sq.m)	\$40.85	\$103.16	\$68.87	\$4.76	\$5.41	\$16.77	\$3.12	Exempt	Exempt	\$70.90	\$133.22	\$94.16
Light Industrial	Per Square Metre (Minimum charge equivalent to 93 sq.m)	\$20.42	\$51.58	\$34.43	\$2.38	\$2.71	\$8.38	\$2.53	\$7.16	\$5.26	\$48.84	\$80.00	\$60.47
Heavy Industrial	Per Hectare (Minimum charge equivalent to 0.405 ha)	\$30,470	\$76,956	\$51,373	\$7,968	\$9,060	\$28,076	\$6,321	\$10,686	\$7,847	\$100,428	\$146,914	\$113,363

Note: * Some parts of Kelowna are not serviced by the City' s Water or Wastewater services. These areas would not be subject to the DCC for these specific services. (ex. most of Transportation sector R-E is not serviced by Kelowna' s DCC Water program, so the combined total rate does not include the water charge. These areas may be subject to charges from other water service providers, including the Glenmore Ellison Irrigation District, Rutland Waterworks and the Black Mountain Irrigation District.)



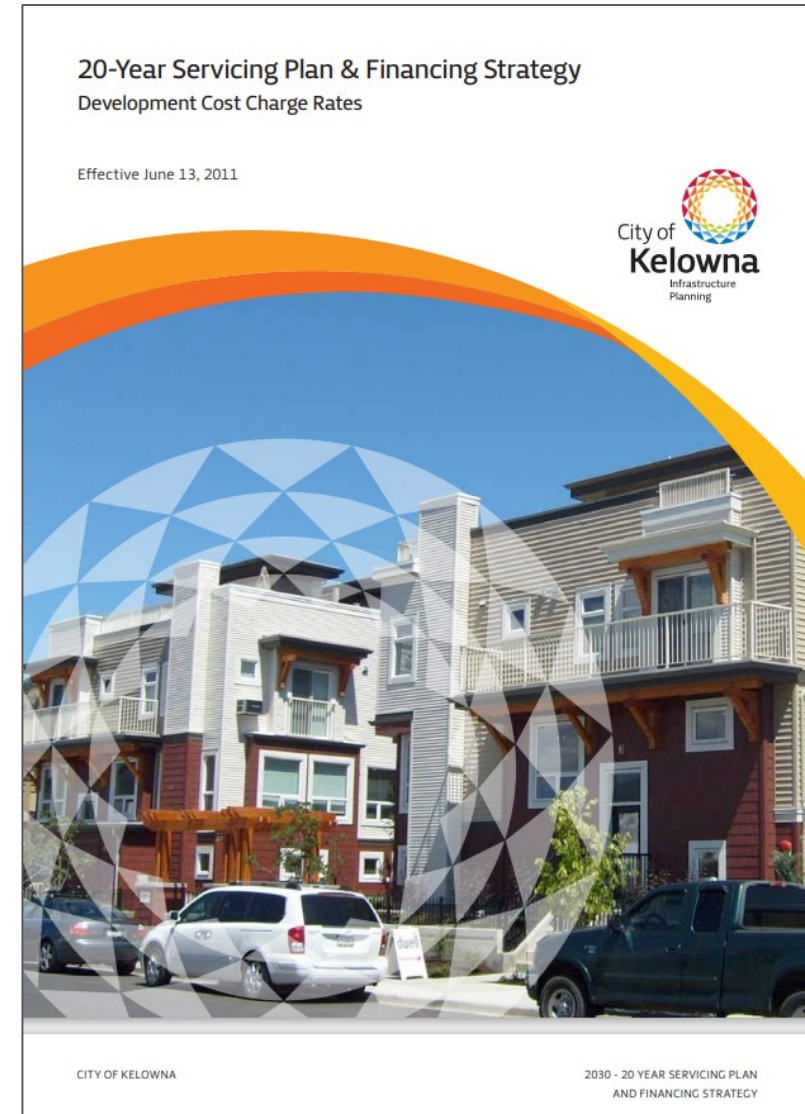
DCC Program Update

September 13th, 2021



DCC Program

- ▶ 20-Year Servicing Plan and Financial Strategy
- ▶ DCC Bylaw



Development Cost Charges (DCCs)

- ▶ DCCs are collected from land developers to pay for infrastructure to service new development.
- ▶ DCCs are imposed by bylaw pursuant to the Local Government Act.
- ▶ DCCs facilitate development by providing a method to finance capital projects related to growth.
- ▶ Payable at subdivision or building permit.
- ▶ DCC Bylaw requires Provincial approval.

Eligible Infrastructure

- ▶ Transportation – not off street parking
- ▶ Sewage
- ▶ Water
- ▶ Drainage
- ▶ Parkland Acquisition and Improvement

Ineligible Infrastructure

- ▶ Fire Halls, Police Buildings
- ▶ Transit
- ▶ Recreation and Cultural Centers
- ▶ City Halls, Works Yards
- ▶ Arenas
- ▶ Affordable housing
- ▶ Childcare facilities

DCC Update Objectives

- ▶ Infrastructure servicing plan and financial strategy to accommodate growth identified in 2040 OCP,
- ▶ Equitable approach that aligns with BC Best Practice Guide,
- ▶ Minimize rate increases,
- ▶ Simplify where possible and ensure transparency.



Big Moves and Challenges

- ▶ Inflation since last update (2019)
 - ▶ 14% Construction
 - ▶ 40% Land
- ▶ Split Industrial category into Light and Heavy Industrial
- ▶ Secondary Suites and Carriage houses,
- ▶ Parks Acquisition DCC for Commercial/Industrial,
- ▶ New Storm Drainage DCC,
- ▶ Assumed grants no longer included in program,
- ▶ Shift to City wide DCC.



Drainage DCC

Existing Challenge:

- ▶ DCC program does not include Drainage DCC ,
- ▶ Mill Creek at risk of future flooding,
- ▶ Urban core area planned for future development densification,

Proposed Solution:

- ▶ Drainage DCC proposed to fund infrastructure along Mill Creek,
- ▶ DCC will be combined with DMAF grant and general revenue to fund project.



Industrial DCC

Existing Challenge:

- ▶ Kelowna Industrial DCC some of the lowest in province,
- ▶ Infrastructure demand based on land intensive industrial operations,
- ▶ DCC assessed primarily on zoning,
- ▶ Industrial type development shifting to 'light industrial'

Proposed Solution:

- ▶ Split Industrial category in Light Industrial and Heavy Industrial,
- ▶ Heavy Industrial Category land intensive operations,
- ▶ Light Industrial calculated at 50% of Commercial DCC,
- ▶ Light/Heavy assessed based on Zoning Bylaw.



Secondary Suites and Carriage houses

Existing Challenge:

- ▶ Secondary Suites and Carriage houses assessed \$2,500 flat rate DCC,
- ▶ Does not accurately reflect infrastructure demand and difficult to administer,
- ▶ OCP encourages alternate housing options including single family homes constructed with suites or carriage houses.

Proposed Solution:

- ▶ Secondary suite included as part of Residential 1 and 2 DCC,
- ▶ Carriage home assessed Residential 3 DCC,



Parks Acquisition DCC Commercial/Industrial

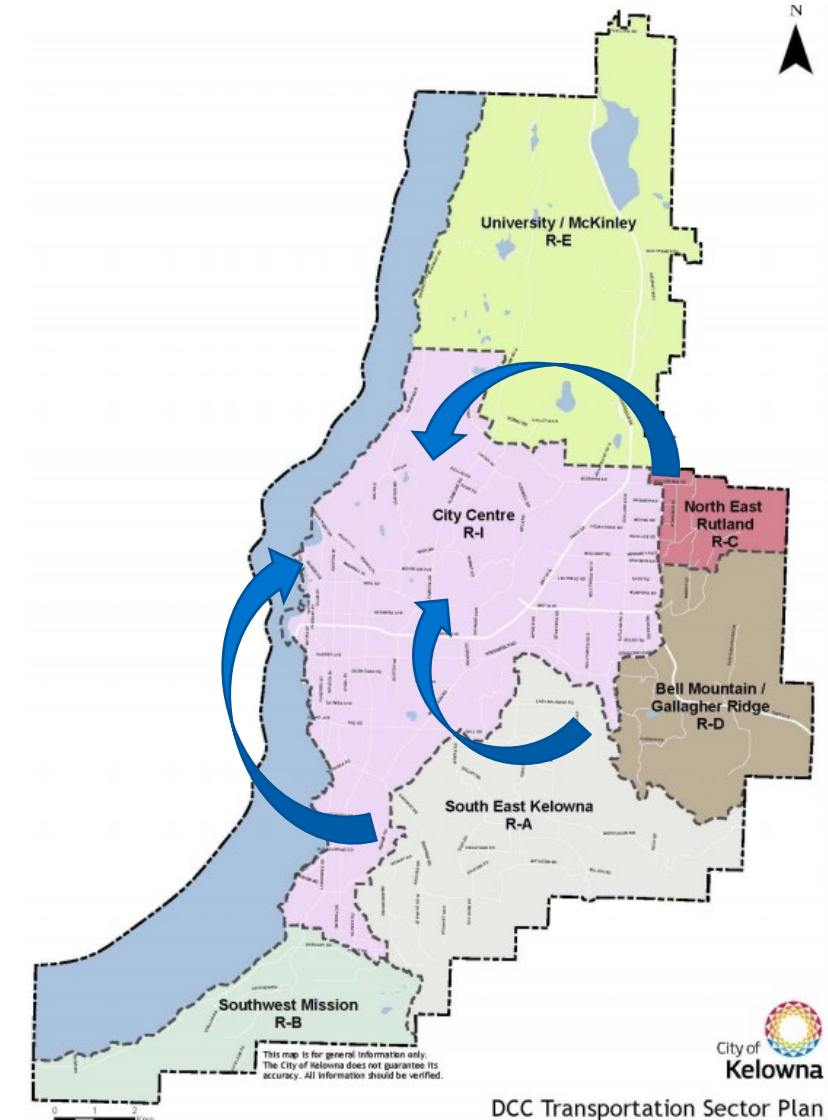
- ▶ Parks Development DCC added to DCC program in February 2020,
- ▶ Preferred scenario 'Model A – Full Implementation' included Commercial/Industrial Parks Acquisition DCC in Year 2.
- ▶ The has been added to the proposed DCC program.

Table 1. Summary of Models for Parks Funding

		Current Parks DCC	Model A - Full implementation	Model B - With 5% parkland dedication	Model C - Staggered implementation
Parkland Acquisition					
Existing DCCs	<i>Neighbourhood</i>	✓	✓	✗	✓
	<i>Community</i>	✓	✓	✓	✓
	<i>Recreation</i>	✓	✓	✓	✓
	<i>City-wide</i>	✓	✓	✓	✓
New Linear Parkland Acquisition DCCs			✓	✓	✓
New Commercial/Industrial Acquisition DCCs			Yr 2 ✓	Yr 2 ✓	Yr 2 ✓
5% Parkland dedication			✗	✓	✗
Reduce taxation assist to 1% + 3.4%					
Total Acquisition DCCs (per residential unit)		\$7,142	\$7,346	\$5,455	\$7,346
Parkland Development					
New DCCs	<i>Neighbourhood</i>		✓	✓	Yr 1 ✓
	<i>Community</i>		✓	✓	Yr 1 ✓
	<i>Recreation</i>		✓	✓	Yr 2 ✓
	<i>Linear</i>		✓	✓	Yr 2 ✓
	<i>City-wide</i>		✓	✓	Yr 3 ✓
New Commercial/Industrial Development DCCs			✓	✓	✓
Reduce taxation assist to 1% + 3.4%					

DCC Sectors

- ▶ Water, Wastewater, Drainage and Parks assesses on a 'city-wide' DCC.
- ▶ Transportation has three sectors because of unique infrastructure needs.



DCC Transportation Sector Plan

Total Program Comparison

\$ Millions	Current	Proposed	Change
Total Program	\$1,105.3	\$1,301.2	\$203.9
Developer Funded	\$733.5	\$879.0	\$153.5
	66%	68%	
City Funded (Tax / Utility)	\$326.7	\$391.7	\$65.0
	30%	30%	
Grants	\$45.1	\$30.5	(\$14.6)
	4%	2%	

Proposed DCC Rates

Land Use	Service Area	Transportation			Water	Wastewater		Drainage	Parks		Total*		
	Sector	R-I	R-B	R-E	W-A	Trunks	Treatment	D-A	Acquisition	Development	R-I	R-B	R-E
	Note	Inner City/ Common	South Mission	University/ McKinley	Service Area Wide	Service Area Wide	Service Area Wide	City-wide	City-wide	City-wide	Combined	Combined	Combined
Residential 1	To 15 Units/Hectare Each Lot or Dwelling Unit	\$12,336	\$31,156	\$20,798	\$1,437	\$1,634	\$5,063	\$843	\$8,652	\$6,354	\$36,319	\$55,138	\$43,344
Residential 2	>15-35 Units/Hectare Each Dwelling Unit	\$11,278	\$28,485	\$19,016	\$1,314	\$1,494	\$4,629	\$590	\$8,652	\$6,354	\$34,311	\$51,518	\$40,735
Residential 3	>35-85 Units/Hectare Each Dwelling Unit	\$7,823	\$19,758	\$13,190	\$911	\$1,036	\$3,211	\$337	\$8,652	\$6,354	\$28,325	\$40,260	\$32,780
Residential 4	> 85 Units/Hectare Each Dwelling Unit	\$7,128	\$18,003	\$12,018	\$830	\$944	\$2,926	\$253	\$8,652	\$6,354	\$27,087	\$37,962	\$31,147
Commercial	Per Square Metre (Minimum charge equivalent to 93 sq.m)	\$40.85	\$103.16	\$68.87	\$4.76	\$5.41	\$16.77	\$3.37	\$14.33	\$10.52	\$96.00	\$158.31	\$119.26
Institutional	Per Square Metre (Minimum charge equivalent to 93 sq.m)	\$40.85	\$103.16	\$68.87	\$4.76	\$5.41	\$16.77	\$3.12	Exempt	Exempt	\$70.90	\$133.22	\$94.16
Light Industrial	Per Square Metre (Minimum charge equivalent to 93 sq.m)	\$20.42	\$51.58	\$34.43	\$2.38	\$2.71	\$8.38	\$2.53	\$7.16	\$5.26	\$48.84	\$80.00	\$60.47
Heavy Industrial	Per Hectare (Minimum charge equivalent to 0.405 ha)	\$30,470	\$76,956	\$51,373	\$7,968	\$9,060	\$28,076	\$6,321	\$10,686	\$7,847	\$100,428	\$146,914	\$113,363

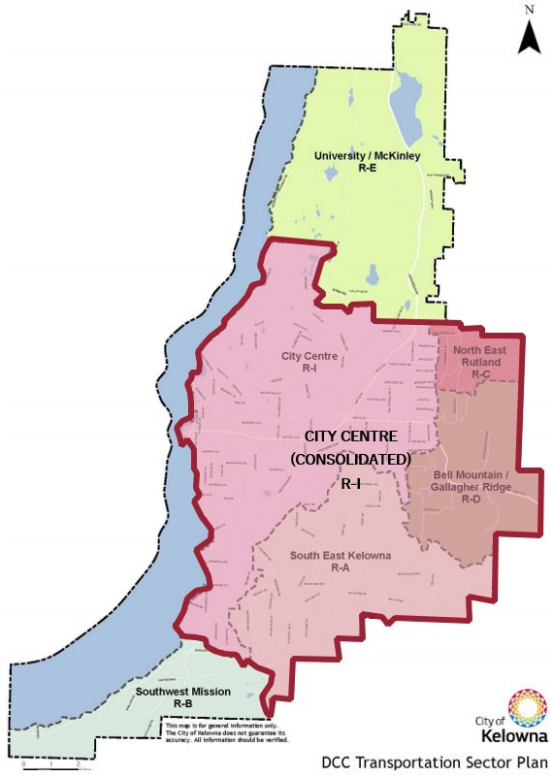
DCC Rate Comparison: Residential 1 – Inner City

Kelowna Rates

Scenario	Current	Proposed	Increase
\$/unit	\$30,989	\$36,319	\$5,330 (17%)

Comparator Rates

Municipality	\$/ Unit
Langley Township (2020)*	\$56,030
Coquitlam (2019)*	\$52,384
Surrey (2020)*	\$51,989
Richmond (2019)*	\$49,937
Vernon (2020)	\$20,168
Kamloops (2020)	\$12,275



Note: * Includes regional wastewater and Translink DCC

DCC Rate Comparison: Residential 4 – Inner City

Kelowna Rates

Scenario	Current	Proposed	Increase
\$/unit	\$23,977	\$27,087	\$3,110 (13%)

Comparator Rates

Municipality	\$/ Unit
Langley Township (2020)*	\$31,176
Surrey (2020)*	\$27,862
Richmond (2019)*	\$26,384
Coquitlam (2019)*	\$20,309
Vernon (2020)	\$10,656
Kamloops (2020)	\$5,022



DCC Rate Comparison: Commercial – Inner City

Kelowna Rates

Scenario	Current	Proposed	Increase
\$/Square meter	\$81.84	\$96.00	\$14.16 (17%)

Comparator Rates

Municipality	\$/ Square meter
Richmond (2019)*	\$180.49
Langley Township (2020)*	\$161.13
Surrey (2020)*	\$153.04
Coquitlam (2019)*	\$93.12
Kamloops (2020)	\$72.05
Vernon (2020)	\$45.79



DCC Rate Comparison: Light Industrial (new) - Inner City

Kelowna Rates

Scenario	Current ¹	Proposed	Increase
\$/Square meter	\$25.72	\$48.84	\$23.12 (90%)

Comparator Rates

Municipality	\$/ Square meter
Richmond (2019)*	\$134.20
Langley Township (2020)*	\$103.78
Kamloops (2020)	\$89.03
Surrey (2020)*	\$74.37
Coquitlam (2019)*	\$49.90
Vernon (2020)	\$45.92



Note: * Includes regional wastewater and Translink DCC

¹ :Converted from general Industrial charge per hectare

DCC Rate Comparison: Heavy Industrial - Inner City

Kelowna Rates

Scenario	Current	Proposed	Increase
\$/Hectare	\$87,453	\$100,428	\$12,974 (15%)

Comparator Rates

Municipality	\$/ Hectare
Langley Township (2020)*	\$347,548
Surrey (2020)*	\$262,573
Coquitlam (2019)*	\$247,560
Kamloops (2020)	\$244,508
Vernon (2020)	\$150,582
Richmond (2019)*	\$108,814



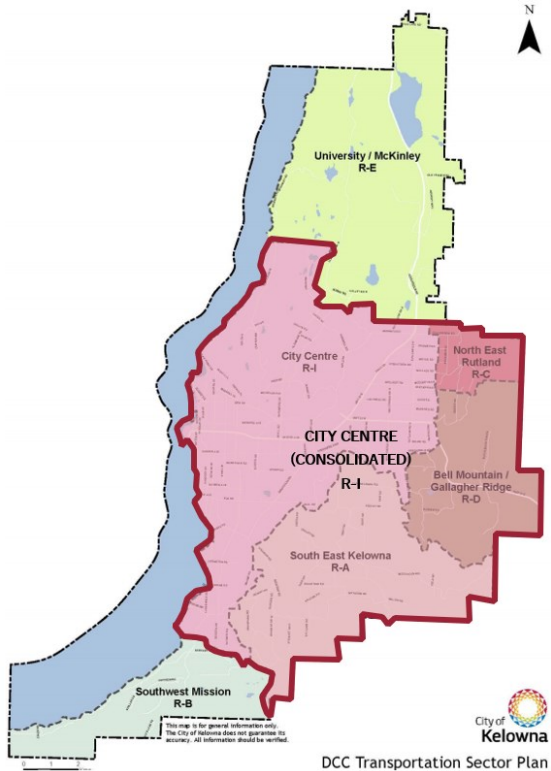
DCC Rate Comparison: Residential 1 – South Mission

Kelowna Rates

Scenario	Current	Proposed	Increase
\$/unit	\$48,508	\$55,138	\$6,631 (14%)

Comparator Rates

Municipality	\$/ Unit
Langley Township (2020)*	\$56,030
Coquitlam (2019)*	\$52,384
Surrey (2020)*	\$51,989
Richmond (2019)*	\$49,937
Vernon (2020)	\$20,168
Kamloops (2020)	\$12,275



Note: * Includes regional wastewater and Translink DCC

DCC Rate Comparison: Residential 4 - South Mission

Kelowna Rates

Scenario (Current	Proposed	Increase
\$/unit	\$35,166	\$37,962	\$2,795 (8%)

Comparator Rates

Municipality	\$/ Unit
Langley Township (2020)*	\$31,176
Surrey (2020)*	\$27,862
Richmond (2019)*	\$26,384
Coquitlam (2019)*	\$20,309
Vernon (2020)	\$10,656
Kamloops (2020)	\$5,022



DCC Rate Comparison: Commercial - South Mission

Kelowna Rates

Scenario	Current	Proposed	Increase
\$/Square meter	\$139.39	\$158.31	\$18.93 (14%)

Comparator Rates

Municipality	\$/ Square meter
Richmond (2019)*	\$180.49
Langley Township (2020)*	\$161.13
Surrey (2020)*	\$153.04
Coquitlam (2019)*	\$93.12
Kamloops (2020)	\$72.05
Vernon (2020)	\$45.79



DCC Rate Comparison: Light Industrial (new) - South Mission

Kelowna Rates

Scenario	Current ¹	Proposed	Increase
\$/Square meter	\$37.71	\$80.00	\$42.29 (112%)

Comparator Rates

Municipality	\$/ Square meter
Richmond (2019)*	\$134.20
Langley Township (2020)*	\$103.78
Kamloops (2020)	\$89.03
Surrey (2020)*	\$74.37
Coquitlam (2019)*	\$49.90
Vernon (2020)	\$45.92



Note: * Includes regional wastewater and Translink DCC
1 :Converted from general industrial charge per hectare

DCC Rate Comparison: Heavy Industrial - South Mission

Kelowna Rates

Scenario	Current	Proposed	Increase
\$/Hectare	\$128,216	\$146,914	\$18,697 (15%)

Comparator Rates

Municipality	\$/ Hectare
Langley Township (2020)*	\$347,548
Surrey (2020)*	\$262,573
Coquitlam (2019)*	\$247,560
Kamloops (2020)	\$244,508
Vernon (2020)	\$150,582
Richmond (2019)*	\$108,814



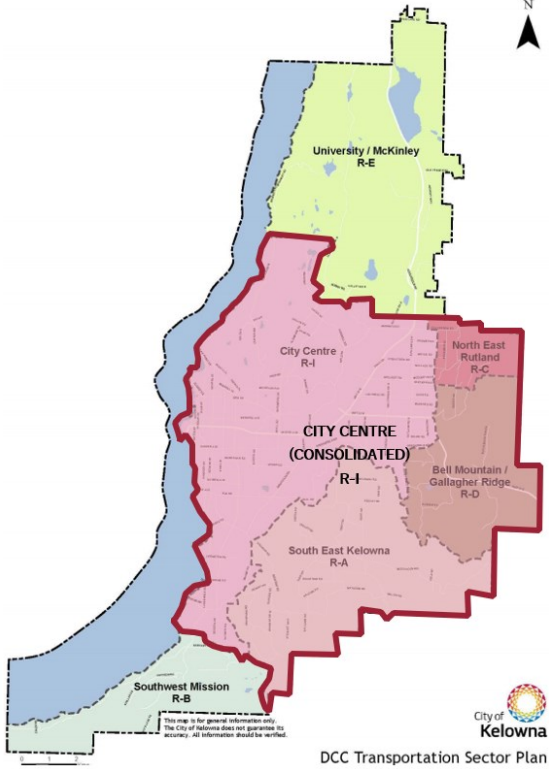
DCC Rate Comparison: Residential 1 – North of Inner City

Kelowna Rates

Scenario	Current	Proposed	Increase
\$/unit	\$32,860	\$43,344	\$10,485 (32%)

Comparator Rates

Municipality	\$/ Unit
Langley Township (2020)*	\$56,030
Coquitlam (2019)*	\$52,384
Surrey (2020)*	\$51,989
Richmond (2019)*	\$49,937
Vernon (2020)	\$20,168
Kamloops (2020)	\$12,275



Note: * Includes regional wastewater and Translink DCC

DCC Rate Comparison: Residential 4 - North of Inner City

Kelowna Rates

Scenario	Current	Proposed	Increase
\$/unit	\$25,772	\$31,147	\$5,374 (21%)

Comparator Rates

Municipality	\$/ Unit
Langley Township (2020)*	\$31,176
Surrey (2020)*	\$27,862
Richmond (2019)*	\$26,384
Coquitlam (2019)*	\$20,309
Vernon (2020)	\$10,656
Kamloops (2020)	\$5,022



DCC Rate Comparison: Commercial – North of Inner City

Kelowna Rates

Scenario	Current	Proposed	Increase
\$/Square meter	\$87.75	\$119.26	\$31.51 (36%)

Comparator Rates

Municipality	\$/ Square meter
Richmond (2019)*	\$180.49
Langley Township (2020)*	\$161.13
Surrey (2020)*	\$153.04
Coquitlam (2019)*	\$93.12
Kamloops (2020)	\$72.05
Vernon (2020)	\$45.79



DCC Rate Comparison: Light Industrial (new) – North of Inner City

Kelowna Rates

Scenario	Current ¹	Proposed	Increase
\$/Square meter	\$25.32	\$60.47	\$35.15 (139%)

Comparator Rates

Municipality	\$/ Square meter
Richmond (2019)*	\$134.20
Langley Township (2020)*	\$103.78
Kamloops (2020)	\$89.03
Surrey (2020)*	\$74.37
Coquitlam (2019)*	\$49.90
Vernon (2020)	\$45.92



Note: * Includes regional wastewater and Translink DCC

¹ :Converted from general industrial charge per hectare

DCC Rate Comparison: Heavy Industrial – North of Inner City

Kelowna Rates

Scenario	Current	Proposed	Increase
\$/Hectare	\$86,097	\$113,363	\$27,266 (32%)

Comparator Rates

Municipality	\$/ Hectare
Langley Township (2020)*	\$347,548
Surrey (2020)*	\$262,573
Coquitlam (2019)*	\$247,560
Kamloops (2020)	\$244,508
Vernon (2020)	\$150,582
Richmond (2019)*	\$108,814





Questions?

For more information, visit kelowna.ca.

Report to Council



Date: September 13, 2021
To: Council
From: City Manager
Subject: Electronic Council Meeting and Public Hearing Procedures
Department: Office of the City Clerk

Recommendation:

THAT Council receives, for information, the report from the Office of the City Clerk dated September 13, 2021 with respect to electronic Council meeting and public hearing procedures;

AND THAT Council direct staff to prepare amendments to Council Procedure Bylaw No. 9200 and relevant policies in accordance with Options 1B, 2C, and 3C in the report from the Office of the City Clerk dated September 13, 2021;

AND FURTHER THAT Council continue to hold public hearings and Tuesday regular meetings in-person and electronically and continue with pandemic procedural changes for public hearings and Tuesday regular meetings until Council Procedure Bylaw No. 9200 is amended to reflect the proposed changes.

Purpose:

To provide direction on options for electronic Council meetings and public hearings.

Background:

The Province introduced new legislation that allows local governments to hold electronic Council and committee meetings and public hearings. This follows temporary orders allowing electronic meetings and public hearings during the COVID-19 pandemic. Amendments to Council Procedure Bylaw No. 9200 are needed should Council wish to make use of the new electronic meeting provisions in the *Community Charter* and *Local Government Act*. The legislation comes into force on September 29, 2021 and amendments to Bylaw No. 9200 can be made after that date.

Previous Council Resolution

Resolution	Date
AND THAT Council direct staff to continue to recommend that Council waive	July 12, 2021

the public hearing for rezoning applications that are consistent with the Official Community Plan, have a recommendation of support from staff, and are not expected to generate significant public input based on correspondence received at the time of the report to Council until Council decides on a long-term option for electronic Council meetings and public hearings;	
AND FURTHER THAT Council direct staff to report back to Council with long-term options for electronic Council meetings and public hearings.	

Discussion:

Based on the legislation and the experience with electronic meetings and public hearings to date, staff identified several options for Council's consideration. Options for Council and committee meetings are presented in the table below with brief discussion, followed by the same for public hearings.

If a meeting or public hearing is held electronically, the public notice must include information about the electronic means of conducting the meeting. The City must also provide a location where the public can hear or watch and hear the meeting with a designated municipal officer in attendance.

Council and Committee Meetings

Item	Option 1A: Status Quo (Pre-Pandemic)	Option 1B: Conditional Electronic Meetings	Option 1C: Unconditional Electronic Meetings
Fully electronic meeting	Special Council meeting with Mayor authorization	Conditional	✓
Electronic participation by members of Council	With Mayor authorization	Conditional	✓
Electronic participation by the public	X	Conditional	✓

Option 1A: Under the current bylaw, electronic meetings are only permitted for special Council meetings with Mayor authorization. Individual Council members may participate electronically in a regular Council meeting with Mayor authorization. Meetings are livestreamed; however, members of the public scheduled to present to Council must be in-person.

Option 1B: Council may allow for electronic meetings and electronic participation in meetings under certain circumstances. Recommended conditions include:

- Fully electronic meeting: special Council meeting, during state of local or provincial emergency.
- Electronic Council participation: unable to attend in person (e.g., illness, out of town), participate for entire meeting, have audio and video, be located in Canada, maintain confidentiality for closed meetings.
- Electronic public participation: only when scheduled on agenda, have audio and video, be located in Canada, maintain confidentiality for closed meetings.

Option 1C: Electronic meetings and participation could also be unrestricted, allowing for Council meetings to be held electronically in any circumstances and for members of Council or the public to participate electronically with no specific requirements.

The status quo (Option 1A) limits Council's ability to meet electronically and was established prior to new technologies that allow for a more comprehensive electronic meeting experience. Option 1B sets conditions, at Council's direction, to hold or participate in meetings electronically, setting clear expectations for Council and the public. Bylaw wording needs to be flexible enough to account for different situations. While Option 1C broadly allows for electronic meetings and participation, it is not considered best practice to maintain openness, transparency, and accountability. Staff recommend proceeding with Option 1B as it opens up opportunities for electronic meetings and participation while reflecting core principles of Council meeting governance.

Public Hearings & Tuesday Regular Meetings

Item	Option 2A: Status Quo (Pre-Pandemic)	Option 2B: Hybrid & Pandemic Procedural Changes	Option 2C: Hybrid & Refined Procedural Changes
Electronic participation by members of Council	X	✓	✓
Electronic participation by the public	X	✓	✓
Deadline for correspondence	4 pm Monday before public hearing	12 pm day of public hearing	8 am day of public hearing
Start time	6:00 pm	6:00 pm standard, 4:00 pm when needed	6:00 pm standard, 4:00 pm when needed
Item scheduling	All items scheduled for 6:00 pm	Individual or bundled start times	Individual or bundled start times
Bylaw consideration	After all public hearing items	Immediately after each public hearing item	Immediately after each public hearing item

Option 2A: Reverting back to pre-pandemic public hearing procedures removes the option for electronic participation by members of Council or the public. Other changes introduced during the pandemic would go back to previous requirements and policies.

Option 2B: This option continues with the changes introduced during the pandemic, with both electronic and in-person participation, a later deadline for correspondence, flexibility for earlier start time, and scheduling changes.

Option 2C: This option largely reflects the changes introduced during the pandemic with one change to the deadline for correspondence to balance the opportunity for the public to submit correspondence with additional time for Council to review written submissions prior to that evening's hearing or meeting, in particular for 4 pm start times.

Introducing electronic public hearings at the beginning of 2021 and hybrid public hearings this summer has expanded opportunities for the public to participate in public hearings. Continuing with hybrid public hearings allows the public to choose whether to participate in-person or online. Changes

regarding the correspondence deadline, start time, and item scheduling have generally been well-received. Staff recommend proceeding with Option 2C, with hybrid public hearings and most of the procedures introduced during the pandemic. The only change from the pandemic procedures is to shift the correspondence deadline to 8 am the day of, affording Council more time to review written correspondence from the current deadline of 12 pm.

Waiving Public Hearings

The *Local Government Act* allows Council to waive the public hearing for zoning bylaws that are consistent with the Official Community Plan (OCP). To reduce the number of items going to public hearing during the pandemic, in January 2021 Council directed staff to recommend that Council waive public hearings for rezoning applications that are consistent with the OCP, have a staff recommendation of support, and are not expected to generate significant public input based on correspondence received at the time of the report to Council. Notice is provided and the public has the opportunity to submit written correspondence to Council.

Specifically, waiving a public hearing follows these steps:

1. Staff recommendation to Council based on established criteria.
2. If Council waives the public hearing, notice is advertised in the newspaper and mailed to properties within 50 m, and a development notice sign is placed on the property informing the public of the opportunity to submit written correspondence.
3. Written correspondence is accepted for two weeks following initial consideration and is circulated to Council.
4. Supplemental report to Council summarizes correspondence with recommendation to:
 - a. Give the bylaw further readings;
 - b. Advance the bylaw to a public hearing; or
 - c. Defeat the bylaw.

The table below shows statistics for rezoning and text amendment applications without a corresponding OCP amendment that Council considered between January 1, 2021 and August 31, 2021. These statistics do not include OCP amendments, land use contracts, or other types of applications where the public hearing cannot be waived.

Item	Public Hearing Waived	Public Hearing Held
Number of Zoning Bylaw applications	33 ¹	49 ²
Number of Zoning Bylaw applications with correspondence	6	16
Percentage of Zoning Bylaw applications with correspondence	18%	33%
Total number of pieces of correspondence	9	65
Average number of pieces of correspondence per application³	1.5	4.1

¹ Includes one application sent to public hearing after the notification period.

² Another 15 rezoning or text amendment applications had an OCP amendment and the public hearing could not have been waived. These tend to generate greater numbers of correspondence.

³ Based on the number of applications with correspondence

The experience to date in 2021 shows the percentage of applications with correspondence submitted is nearly double for applications that went to public hearing (33%) compared to those where the public hearing was waived (18%). Of the applications where correspondence was submitted, the average number of pieces of correspondence is 2.7 times more for applications that went to public hearing.

Based on the experience to date, the established criteria appear to be effective at gauging the level of public interest in an item. By continuing to waive public hearings on certain items, only those applications that are likely to generate more public input go to public hearing. This places greater emphasis on more significant applications and facilitates more effective public hearing scheduling. When a public hearing is waived, the public still receives notice and has the opportunity to submit correspondence or to speak with Council members before Council makes further decisions on the item.

Options for waiving public hearings are presented in the table below followed by brief discussion.

Item	Option 3A: Status Quo (Pre-Pandemic)	Option 3B: Pandemic Changes	Option 3C: Refined Changes
Waiving public hearings	Council Policy No. 307: <ul style="list-style-type: none"> ✓ Consistent with OCP ✓ Commercial, industrial, institutional and mixed use development ✓ No residential development ✓ Not adjacent to residential development 	Amend Council Policy No. 307 with criteria: <ul style="list-style-type: none"> ✓ Consistent with OCP ✓ Recommendation of support from staff ✓ Not expected to generate significant public input 	Amend Council Policy No. 307 with criteria and reporting: <ul style="list-style-type: none"> ✓ Consistent with OCP ✓ Recommendation of support from staff ✓ Not expected to generate significant public input ✓ Regularly report on waived public hearings

Option 3A: Council Policy No. 307 currently limits the authority to waive public hearings to developments with only commercial, industrial, and institutional uses, and where not adjacent to residential uses. Few applications meet these criteria and the policy is rarely used.

Option 3B: This option continues the criteria established during the pandemic and staff would recommend that Council waive the public hearing on rezoning applications that meet those criteria.

Option 3C: This is the same as Option 3B with the addition of regular reporting on waived public hearings (e.g., number of applications, correspondence received). The reporting is intended to monitor the effectiveness of the criteria.

Staff recommend proceeding with Option 3C, updating Council Policy No. 307 to reflect the criteria listed above with the addition of regular reporting on waived public hearing statistics.

Next Steps

Staff will prepare amendments to Council Procedure Bylaw No. 9200 based on Council's direction. These will come back to Council in October 2021 along with any policy amendments or new policies needed to implement the changes. Public notice of the Council Procedure Bylaw amendments will be given prior to bylaw adoption.

Conclusion:

New provincial legislation allows the City to implement electronic Council meetings and public hearings for the long-term. The recommended options – conditional electronic Council and committee meetings, hybrid public hearings with refined procedures, and waiving public hearings with regular reporting – are based on the City's experience with electronic meetings and procedures to date. They balance flexibility and modernization with openness, transparency, and accountability.

Considerations applicable to this report:

Legal/Statutory Authority:

Bill 10 – 2021 Municipal Affairs Statutes Amendments Act (amendments to *Community Charter* and *Local Government Act*)

Legal/Statutory Procedural Requirements:

Council can consider a bylaw to amend Council Procedure Bylaw No. 9200 after Bill 10 comes into effect on September 29, 2021.

Public notice of proposed amendments to Council Procedure Bylaw No. 9200 must be given before a bylaw is adopted (*Community Charter* s. 124(3)).

Existing Policy:

[Council Policy No. 307 Waiver of Public Hearing](#)

Financial/Budgetary Considerations:

One additional staff is needed to moderate electronic participation at public hearings and Tuesday regular meetings. At this time, additional staff are not needed to operate the camera system. The estimated staffing cost is \$250 per public hearing for hybrid public hearings. This does not include costs associated with temporary COVID-19 measures (e.g., contact tracing).

Considerations not applicable to this report:

External Agency/Public Comments:

Communications Comments:

Submitted by:

L. Bentley, Deputy City Clerk

Approved for inclusion: S. Fleming, City Clerk

Attachments:

Council Policy No. 307 Waiver of Public Hearing

cc:

R. Smith, Divisional Director, Planning & Development Services



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

Council Policy

Waiver of Public Hearing

APPROVED November 4, 2002

RESOLUTION: R375/10/04/26
 REPLACING: R407/02/11/04
 DATE OF LAST REVIEW: April 2010

Where an amending bylaw for Commercial, Industrial, Institutional and Mixed Use development is consistent with the Future Land Use Designation of the City of Kelowna Official Community Plan, Council may waive the requirement for the amending bylaw to be forwarded to a Public Hearing pursuant to Section 890(4) of the Local Government Act except for amending bylaws that fall into either of the following categories;

- (i) Any rezoning application for residential land use development, and
- (ii) Any rezoning application that is abutting or adjacent to residential development.

REASON FOR POLICY

To permit Council the option of waiving the public hearing requirement provided the development application meets specific conditions.

LEGISLATIVE AUTHORITY

Local Government Act Section 890

PROCEDURE FOR IMPLEMENTATION

Council resolution required at time of initial consideration of rezoning application to waive the public hearing requirement.



Electronic Council Meetings & Public Hearings

September 2021

Background

- ▶ New legislation following temporary orders
 - ▶ Comes into force September 29
- ▶ Amendments to Council Procedure Bylaw No. 9200

Council & Committee Meeting Options

Item	Option 1A: Status Quo	Option 1B: Conditional	Option 1C: Unconditional
Fully electronic meeting	Special meeting Mayor authorization	Conditions (e.g., special meeting, state of emergency)	✓
Electronic Council participation	Mayor authorization	Conditions (e.g., unable to attend in person, have audio & video, maintain confidentiality)	✓
Electronic public participation	X	Conditions (e.g., scheduled on agenda, have audio & video, maintain confidentiality)	✓

Public Hearing Options

Item	Option 2A: Status Quo	Option 2B: Hybrid – Pandemic Changes	Option 2C: Hybrid – Refined Changes
Electronic Council participation	X	✓	✓
Electronic public participation	X	✓	✓
Correspondence deadline	4 pm Monday	12 pm Tuesday	8 am Tuesday
Start time	6:00 pm	6:00 pm standard 4:00 pm when needed	6:00 pm standard 4:00 pm when needed
Item scheduling	Single start time	Individual or bundled start times	Individual or bundled start times
Bylaw consideration	After all public hearing items	Immediately after each public hearing item	Immediately after each public hearing item

Waiving Public Hearings Process

1. Staff recommendation to Council based on criteria:
 - a) Consistent with OCP;
 - b) Staff recommendation of support; and
 - c) Not expected to generate significant public input.
2. Newspaper ad, direct mailouts, development notice sign.
3. Written correspondence accepted for 2 weeks, circulated to Council.
4. Supplemental report with recommendation to give bylaw further readings, send to public hearing, or defeat.

Waiving Public Hearings Statistics

- ▶ Rezoning & text amendments with no corresponding OCP amendment
- ▶ January 1, 2021 to August 31, 2021

Item	Public Hearing Waived	Public Hearing Held
# of applications	33	49
# of items with correspondence	6	16
% of items with correspondence	18%	33%
# of pieces of correspondence	9	65
Average # pieces of correspondence per application	1.5	4.1

Waiving Public Hearing Options

Item	Option 3A: Status Quo	Option 3B: Hybrid – Pandemic Changes	Option 3C: Hybrid – Refined Changes
Waiving public hearings (zoning applications)	<p>Council Policy No. 307:</p> <ul style="list-style-type: none"> - Consistent with OCP - Commercial, industrial, institutional, mixed use - No residential development - Not adjacent to residential development 	<p>New criteria:</p> <ul style="list-style-type: none"> - Consistent with OCP - Recommendation of support from staff - Not expected to generate significant public input 	<p>New criteria & reporting:</p> <ul style="list-style-type: none"> - Consistent with OCP - Recommendation of support from staff - Not expected to generate significant public input - Regular reporting

Recommendation & Next Steps

- ▶ Proceed with Options 1B, 2C, 3C
- ▶ Direct staff to prepare bylaw & policy amendments
 - ▶ Public notice of Council Procedure Bylaw amendments after first 3 readings
- ▶ Continue with in-person & electronic public hearings until bylaw is amended



Questions?

For more information, visit kelowna.ca.