

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