

Report to Council



Date: May 30, 2016
File: 0600-10
To: City Manager
From: Deputy City Clerk
Subject: Statutory Notification

Recommendation:

THAT Council receives, for information, the Report of the Deputy City Clerk dated May 30, 2016 with regards to an increase to the statutory notification delivery area for development applications under consideration by Council;

AND THAT Bylaw No. 11249, being Amendment No.4 to Development Application Procedures Bylaw No. 10540, be forwarded for reading consideration;

AND FURTHER THAT Council Policy 359 Liquor Licensing Policy and Procedures be amended as outlined in the report of the Deputy City Clerk dated May 30, 2016.

Purpose:

To amend the Development Applications Procedures Bylaw in order to increase the statutory notification area to the public.

Background:

At the May 09, 2016 AM meeting of Council, Council was presented with an overview of the statutory public notification process for development applications and considered policy options related to the delivery area.

The subject of this report is specific to the statutory notification provided by the City. Statutory notice is provided once an application has been forwarded to a meeting of Council for consideration.

The process that the applicant undertakes with the Planning department prior to this can be found under Council Policy 367, Public Notification and Consultation for Development Applications. Introduced by Council in 2013 this policy direction ensures that an applicant provides neighbours with information on their proposed application early in the process. This

early public engagement has been further supported through City of Kelowna enhancements to information available electronically throughout the development application process, including improvements to the on-line mapping system and website enhancements that enable residents to receive application information directly to their inbox. When presenting the summary of the application to Council, planning staff include the level of engagement undertaken by the applicant in compliance with Policy 367.

Statutory Notification:

Statutory notification provided by the Office of the City Clerk is provided once the application has been finalized, and the Community Planning department submits their report to Council in support or non-support of the application.

At that time, the City must notify affected owners and occupiers of properties within an area defined by Council, at least 10 days prior to a Public Hearing or Public Meeting. Notice must include the meeting date and time at which Council will consider the application, the specifics of the proposed change, how to access to the full information provided to Council, and how they may participate in the Council decision making process. The legislative requirements for general public notification also include posting notices at City Hall, and advertising in the newspaper over two consecutive weeks any Official Community Plan or Zoning amendments under consideration by Council. The full agenda package is also posted on Kelowna.ca during this notification period.

Council has directed staff to proceed with the necessary changes to increase the statutory notification area from adjoining and adjacent properties, to properties within a 50m buffer. As part of this change, the non-statutory informational notice and delivery by postal route will be eliminated and replaced with an updated statutory notice that is mailed directly to owners and occupiers of the properties within the new buffer area of the subject property. The bylaw amendment specifically increases the delivery area to 50m, or a minimum of 4 properties, whichever is greater.

As Council Policy 359 Liquor Licensing Policy and Procedures also includes public notification by the Office of the City Clerk, the proposed amendment to the policy, as attached, aligns the notification for liquor license applications with the bylaw changes to ensure clarity and consistency.

The proposed changes that are the subject of this report will ensure that all applications considered during the Tuesday Public Hearing and Regular Meeting will include the same statutory notification provided by the Office of the City Clerk. The updated statutory notice will inform owners and residents of property most affected with details of the proposal and provide information on the process for their participation in the decision of Council.

Legal/Statutory Authority:

Local Government Act, Section 466
Liquor Control and Licensing Act, Section 11.1

Legal/Statutory Procedural Requirements:

Local Government Act, Section 466

Community Charter, Section 94

Existing Policy:

**Bylaw No.10540 Development Applications Procedures Bylaw
Council Policy 359 Liquor Licensing Policy and Procedures**

Internal Circulation:

**Community Planning Manager
Community Engagement Consultant**

Financial/Budgetary Considerations:

None - increase in statutory notice boundary and elimination of the ad mail informational notice covered under existing budget.

Considerations not applicable to this report:

Communications Comments:

Personnel Implications:

External Agency/Public Comments:

Alternate Recommendation:

Submitted by:

K. Needham, Deputy City Clerk

Approved for inclusion: R. Mayne, Divisional Director Corporate and Protective Services

Attachments:

**Council Policy 359 Liquor Licensing Policy and Procedures
Updated Statutory Notice template**