



City of Kelowna
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Council Policy

Public Notification & Consultation for Development Applications

APPROVED February 18, 2013

Contact Department: Development Planning

Guiding Principle

Increasing public engagement in development proposals that will be considered by Council through an approach that is consistent and appropriate to each type of application.

Purpose

To establish standards and procedures for applicants' public notification and consultation responsibilities in respect of development applications. This will ensure transparent and consistent application of standards for the benefit of affected residents, the development community, and the City.

Background

This policy was created to help improve public consultation associated with the development application process. The authority for this Policy comes from:

Local Government Act – Section 475 – Consultation during the OCP development

Local Government Act – Section 494 – Public notice and hearing requirements for Temporary Use Permits

Local Government Act – Section 499 - Notice to affected property owners and tenants for Development Variance Permits

Application

1. OBJECTIVE

To ensure that those parties affected by an application made pursuant to this policy are given adequate notice and one or more meaningful opportunities to provide input, where appropriate and in keeping with the nature and scale of the application.

2. RESPONSIBILITY FOR NOTIFICATION AND CONSULTATION

Unless otherwise indicated, all costs associated with the Notification and Consultation required under this policy are the sole responsibility of the applicant.

3. REQUIREMENT FOR NOTIFICATION AND CONSULTATION

- a. Applications made pursuant to this policy must undertake the forms of public notification and consultation identified in Table 1 below and in accordance with the specifications identified in Development Application and Heritage Procedures Bylaw No. 12310,

Application Type	Large Format Development Notice Sign (8' x 4') ¹	Neighbour Consultation	Public Information Session
OCP Major	✓	✓	✓
OCP Minor	-	✓	-
Zoning Major	✓	✓	✓
Zoning Minor	-	✓	-
LUC Land Use Contract	-	✓	-
DVP	-	✓	-

TUP Temporary Use Permit	-	✓	-
DP Development Permit	-	-	-
ALR ² Agricultural Land Reserve	-	-	-
SFWH Seasonal Farm Worker Housing	-	✓	-
Direct SFWH	-	-	-

Table 1 - Forms of Public Notification & Consultation

- ✓ indicates a required form of notification or consultation.
- indicates a form of notification or consultation not required.
- ¹ City template is to be used for signage.
- ² please refer to Agricultural Land Commission requirements

- b. Fulfilling the requirements of this policy does not relieve the owner or applicant of the responsibility to comply with applicable regulations and bylaws of the City of Kelowna, and those requirements of any body having jurisdiction over the land.
- c. Failure to undertake the form(s) of Notification and Consultation in accordance with this policy may result in the postponement of initial consideration of the application by Council. All costs incurred by the City for public notification as a result of such postponement will be the responsibility of the applicant.
- d. Applicants are encouraged wherever possible to use online or web-based tools to enhance public engagement strategies.
- e. For the purposes of this policy, the following criteria will apply to Official Community Plan amendment applications, and Zoning Bylaw amendment applications made pursuant to this policy:

Official Community Plan Amendment – Major (“OCP Major”) means an OCP Amendment Application that:

- i. Involves a major change to the Future Land Use class (including, but not limited to, Residential to Commercial, Commercial to Industrial, Educational to Residential) of the applicable parcel(s) or portions thereof; or
- ii. Is determined by the Director of Planning & Development Services to be an OCP Major.

Official Community Plan Amendment – Minor (“OCP Minor”) means an OCP Amendment application that is not an OCP Major..

Zoning Amendment – Major (“Zoning Major”) means a Zoning Amendment Application that:

- i. Involves creation of a Comprehensive Development zone; or
- ii. Involves a total land area of 2 hectares or greater; or
- iii. Involves the addition of 50 or more dwelling units and/or parcels; or
- iv. Involves a major change in land use intensity); or
- v. Is determined by the Director of Planning & Development Services to be a Zoning Major.

Zoning Amendment – Minor (“Zoning Minor”) means a Zoning Amendment application that is not a Zoning Major.

4. NOTIFICATION AND CONSULTATION SPECIFICATIONS

a. Large Format Development Notice Signage (8' x 4')

Where required, an applicant must erect a Large Format Development Notice Sign using the City’s template on that parcel of land which is the subject of the application, in accordance with the following specifications:

Timing:

Large Format Development Notice Signs will be posted a minimum of 10 days in advance of the applicant’s Public Information Meeting and thirty (30) days in advance of Council’s initial consideration. The Council Public Hearing date must be posted a minimum of 10 days in advance of the Public Hearing, if required. Project Boards must

remain in place until the conclusion of the Public Hearing, or until Council has adopted the amending bylaw if there is no requirement for a Public Hearing, or until the development application has lapsed. Project Boards must be removed within seven (7) days of the conclusion of a Public Hearing or adoption of a bylaw.

Location:

All Large Format Development Notice Signs will be placed on a property that is subject to an application pursuant to this policy so that they are clearly visible from the street, approximately three (3) metres inside the property line.

Number:

One Large Format Development Notice Signs is required for each road frontage provided that no more than three (3) signs are required for any one Site.

Size and Content:

The Large Format Development Notice Signs (s) will include the following information approved by City Staff :

- Detailed description of the proposal;
- Visual rendering and/or site plan illustrating the proposal;
- Contact information for the applicant or authorized agent, including project website (if any); and
- Contact information for the appropriate City Department.

Sign Installation:

Large Format Development Notice Signs will be located in a manner which does not interfere with pedestrian or vehicular traffic or obstruct visibility from streets, lanes or driveways and must be installed in a safe, sturdy manner capable of withstanding wind and weather.

The applicant must provide City Staff with evidence in the form of photographs that the Project Board(s) required by this policy has been installed on the subject property before the application will be considered at a Public Hearing or a regular meeting of Council.

b. Neighbour Consultation

Objective:

Neighbour consultation aims to promote, where possible, direct, face-to-face conversations between an applicant and their immediate neighbours. Both tenants & owners must be contacted.

Applicable Parcels:

For parcels located within the Permanent Growth Boundary, as shown on Official Community Plan Map 3.1, all abutting and adjoining parcels and any parcels within 50 m of the subject property must be consulted.

For parcels located outside of the Permanent Growth Boundary, as shown on Official Community Plan Map 3.1, all abutting and adjoining parcels and any parcels within 300 m of the subject property must be consulted, or as determined by City staff.

Neighbour Consultation Content:

- Location of the proposal;
- Detailed description of the proposal, including the specific changes proposed;
- Visual rendering and/or site plan of the proposal;
- Contact information for the applicant or authorized agent;
- Contact information for the appropriate City department;
- Identifications of available methods for feedback.

Evidence of Consultation:

A summary of neighbour consultation efforts, feedback and response must be provided to City staff, identifying how the efforts meet the objective of this form of consultation. This must be provided to City staff a minimum of 20 days prior to Council initial consideration of the application(s) for inclusion in the report to Council.

c. Public Information Session

Where required, an applicant must conduct a Public Information Session in accordance with the following requirements:

1. The Public Information Session must be held a minimum of 15 days prior to Council initial consideration and after submission of a complete application;
2. The date, time, duration and location of a Public Information Session are to be determined by the applicant, but shall be organized pursuant to the Objective set out in Section 1 of this policy;
3. A Public Information Session must be advertised by both mailout and by local newspaper advertisements, which must be delivered or printed, as applicable, a minimum of two (2) weeks in advance of holding of a Public Information Session;
4. The applicant must make available for review all relevant appropriate plans, studies, and technical information regarding the proposal;
5. The City of Kelowna must be notified of the meeting, and a City staff representative shall have the option to attend;
6. A summary report prepared and signed by an applicant or authorized agent must be submitted to the File Manager that provides responses to the following questions:
 - Where was the information session held?
 - At what time and for what duration was the information session held?
 - How many people attended the information session?
 - How was the information session advertised (including copies of all advertising)?
 - How were affected property owners notified of the information session?
 - What information was provided at the information session?
 - How was the input received at the information session used?
 - Was the information session organized and conducted in a manner consistent with the Objective of this policy?

Amendments

R090/13/02/18

R102/14/02/17 – changes reflect development sign upgrades