The background is a scenic landscape at sunset. The sun is low on the horizon, casting a warm orange and yellow glow across the sky and reflecting on a body of water. The foreground shows a sandy dune with sparse vegetation. A large, semi-transparent circular graphic with a complex geometric pattern of overlapping triangles is centered over the image. The text is overlaid on this graphic.

**City of Kelowna
Delegated Authority
January 23, 2023**

Purpose

- ▶ The purpose is to consider options for development approval processes for Development Variance Permits.

Background

- ▶ 2019 – The Province – DAPR considered Municipal Affairs Statute Amendments
- ▶ Allowed delegated authority on minor Development Variance Permits

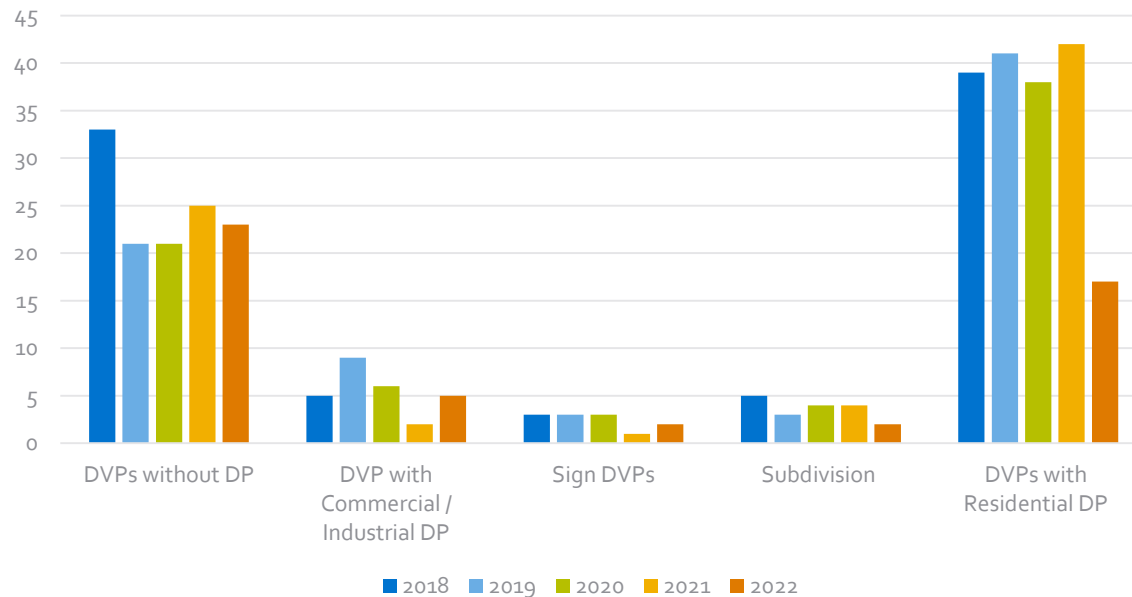
Objectives

1. Streamline approvals by reducing unnecessary and low-value processes for both Council and Staff;
 - a. Quicker processes for minor variance requests.
 - b. Planning reports requirements can be streamlined.
 - c. Reduced workload in the Office of the City Clerk.
 - d. More Staff time (Planning Department and Office of the City Clerk) can be re-directed to processing more complex development applications.
2. Ensure Council and the public have relevant information early in the decision-making and input process;
3. Maintain accountability for 'minor' variance review;
4. Maintain applicant accountability for notifying adjacent neighbours; &
5. To focus Council's time and the Tuesday Regular Council meetings on major variances which are more significant and typically generate public input.

Table A – Development Variance Permits (DVPs) by Type

Year	DVPs without DP	DVP with Commercial / Industrial DP	Sign DVPs	Subdivision DVPs	DVPs with Residential DP	Total DVP applications
	(Typically Minor)				(Typically Major)	
2018	33	5	3	5	39	85
2019	21	9	3	3	41	77
2020	21	6	3	4	38	72
2021	25	2	1	4	42	74
2022	23	5	2	2	17	49

Number and Type of Variance Applications



Percentage of Minor Vs Major Variances Using Proposed Minor Criteria

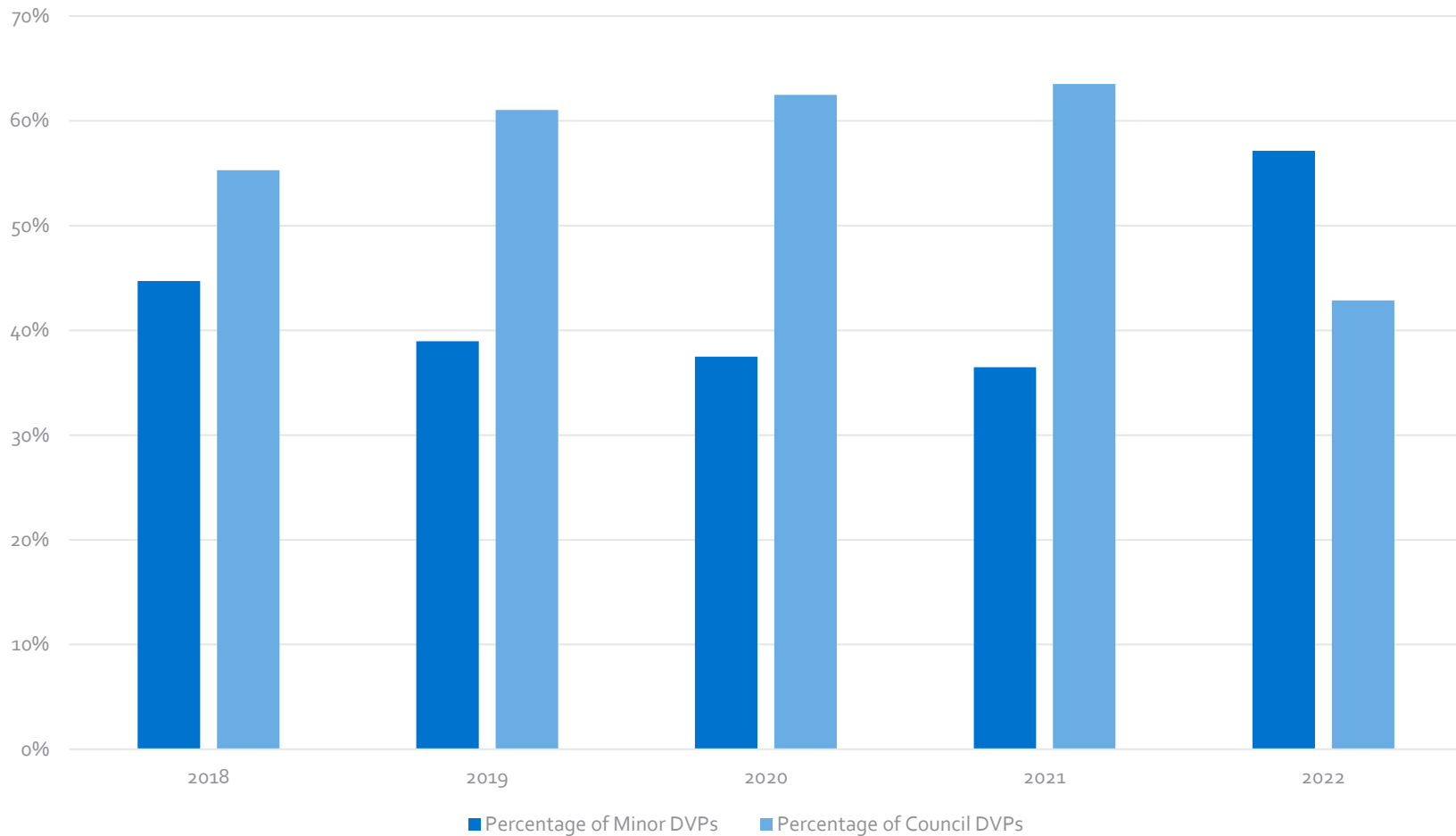


Table B – Regular Meeting Correspondence related to variance applications

	2018	2019	2020	2021	2022
DVP Applications (#)	57	67	49	39	47
Regular Meeting Correspondence (#)	270	122	156	510	487
Applications with Correspondence (#)	n/a	n/a	n/a	36	32

Jurisdictional Research

- ▶ Analyzed cities throughout BC, Alberta, and Oregon.
- ▶ Large variability in delegated authority depending on jurisdiction.

Current Delegated Authority

- ▶ Commercial and Industrial Development Permits without variances;
- ▶ MF₁ – Infill Housing Development Permits.

Policy Discussion – Minor Variance Threshold

1. A variance application is submitted without an accompanying Development Permit application. This would only apply to the Zoning Bylaw and not variances to other bylaws (such as the Sign Bylaw). This would limit the scope to development regulations (not subdivision regulations) for agricultural, rural residential regulations, and single-family zones. *
2. A variance application is submitted for any commercial or industrial development in which the authority for the Development Permit has been delegated to Staff. *
3. A variance application is submitted for any Heritage Alteration Permit in which the authority for the Heritage Alteration Permit has been delegated to Staff. *

* Any variance to Section 9 Specific Uses would be considered a major variance.

Policy Discussion – Council Reconsideration of Refused Permits

- ▶ LGA requires a procedure of delegate's decision to be reconsidered by Council
 - ▶ Recommendation is to keep same rules as Staff issued DPs (within 10 business days applicant can request reconsideration)

Policy Discussion – Public Notification

- ▶ Council Policy #367 needs updating for minor variances
 - ▶ Two options:
 - ▶ Update the Council Policy to remove any requirement for applicant to notify neighbours and erect a sign on the subject property for minor variances.
 - ▶ Update the Council Policy maintain a notification period for applicants to notify neighbours and / or erect a sign on the subject property for minor variances. This option would need to update Council Policy to redirect the public to send correspondence to the Development Planning Department Manager instead of to Council.

Policy Discussion – Guidelines for Staff to Consider for Issuance

- ▶ LGA requires guidelines to be established
 - ▶ Proposed guidelines:
 - ▶ Scope and scale of variances
 - ▶ Use and enjoyment of neighbouring lands
 - ▶ Effects on the natural environment
 - ▶ Maintain required health and safety standards
 - ▶ Meet the intent of City policies

Staff Recommendation

- ▶ That Council direct Staff to bring forward the necessary bylaw amendments for delegated authority as outlined through this report.
 - ▶ Kelowna is a leader in process improvements for development applications
 - ▶ Recommended changes are expected to streamline 40 (on average) DVPs per year.