A scenic landscape at sunset, featuring a large body of water in the middle ground, rolling hills in the background, and a foreground of sandy dunes 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
May 8, 2023**

Purpose

- ▶ To amend: the Development Application and Heritage Procedures Bylaw No. 12310, the Development Applications Fees Bylaw No. 10560, and the Public Notification and Consultation for Development Applications Council Policy No. 357 in order to introduce delegated authority for minor variances

Background

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

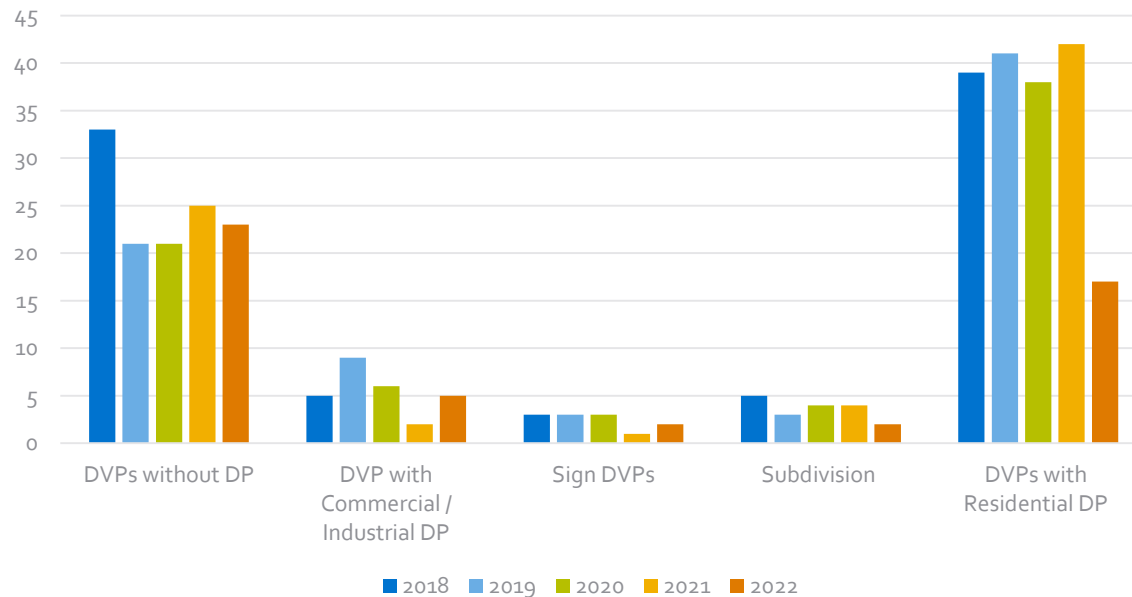
Objectives

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

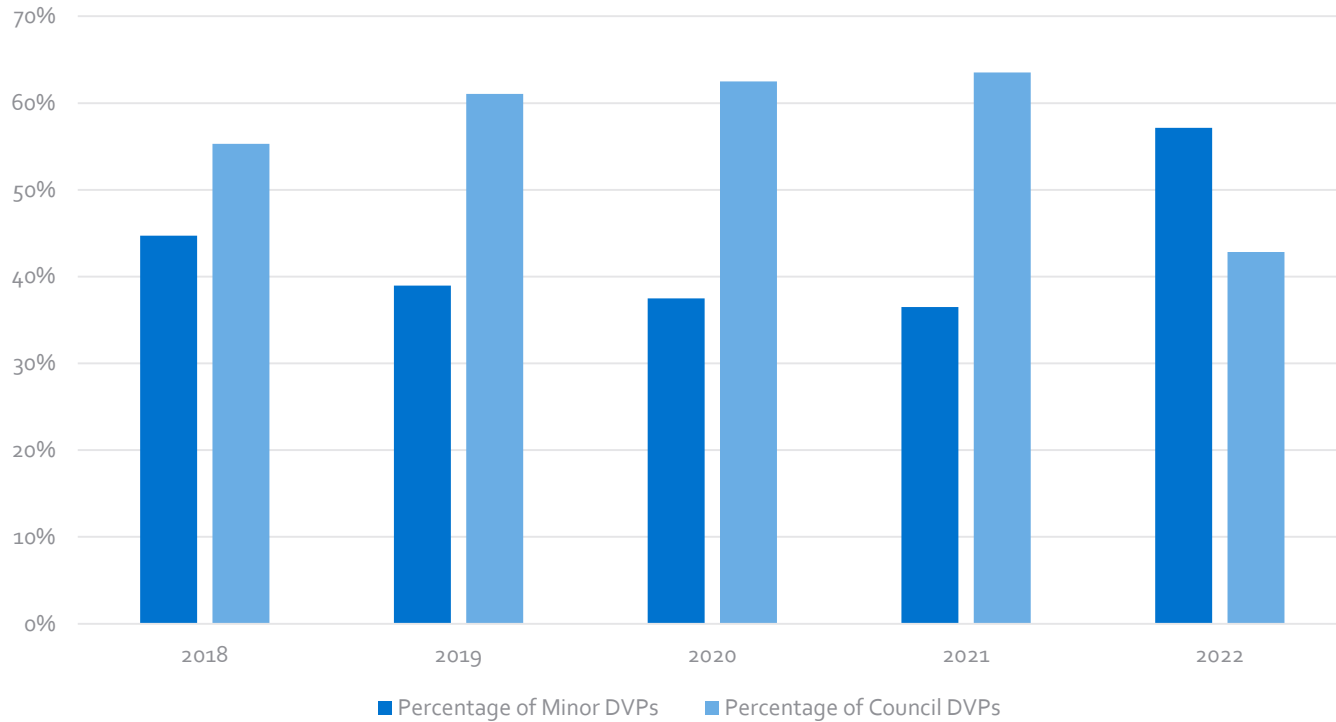


Table B – Regular Meeting Correspondence related to variance applications

	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

Current Delegated Authority

- ▶ Commercial and Industrial DPs without variances
- ▶ MF₁ DPs

Procedures Bylaw Amendments

1. Define minor variance criteria
2. Include guidelines for the delegate to consider whether to issue or deny (then applicant can have Council reconsider the permit)
3. Schedule 'A' identifies various formatting, spelling, grammar, and language consistency improvements throughout the Procedures Bylaw

Procedures Bylaw Amendments – Minor Variance Criteria

Minor variances only apply to Zoning Bylaw No. 12375 (except Section 9 of Zoning Bylaw No. 12375) and not to other bylaws (such as the Sign Bylaw); AND

- a) A Development Variance Permit application is submitted when an associated Form and Character Development Permit application is not required; OR
- b) A Development Variance Permit application is submitted for any commercial or industrial development in which the authority for the Form and Character Development Permit has been delegated to the Department Manager, Development Planning; OR
- c) A Heritage Alteration Permit application is submitted with variances in which the authority for the Heritage Alteration Permit has been delegated to the Department Manager, Development Planning.

Procedures Bylaw Amendments - Guidelines

1. Scope and scale of variances.
2. Use and enjoyment of neighbouring lands.
3. Effects on the natural environment.
4. Appropriateness of the development.
5. Intent of the Zoning Bylaw
6. Public interest in variances

Procedures Bylaw Amendments – Notification and Consultation

- Minor Development Variance Permits shall complete their Public Notification and Consultation.

Fees Bylaw Amendments

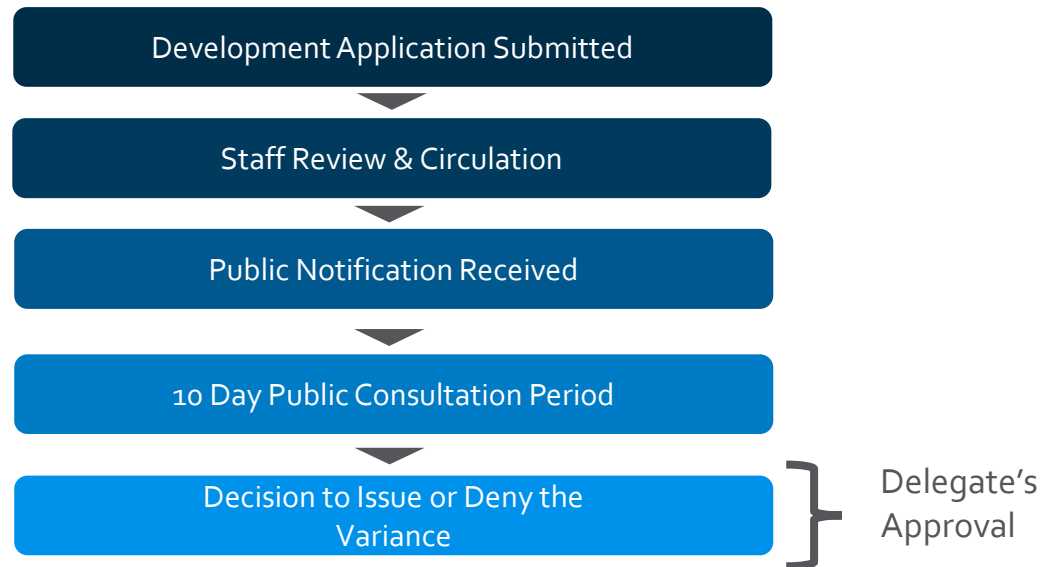
- Include the minor variance category charged at 55% of the rate of a Council Development Variance Permit application
- Same ratio difference between Delegated Development Permits versus Council Development Permits

Council Policy 367 Notification and Consultation with the Neighbourhood - Amendments



- Include the minor variance category to be the same as a regular council variance
- Evidence of neighbour consultation must be submitted prior to the decision of the delegate
- Current Policy – 50 metres with PGB and 300 metres outside of the PGB
- Must provide a deadline to the neighbourhood for feedback to the delegate
 - Deadline must be at least 10 business days after neighbourhood consultation

Minor DVP Process



Staff Recommendation

- ▶ That Council approve the necessary bylaw amendments and resolutions 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