

---

## CITY OF KELOWNA

# MEMORANDUM

---

**Date:** October 24, 2002  
**File No.:** BL8927  
**To:** City Manager  
**From:** City Clerk  
**Subject:** Waived Public Hearings

---

### RECOMMENDATION

THAT Bylaw No. 8927 be advanced for reading consideration by Council.

### BACKGROUND

Under the provisions of the Local Government Act a local government may waive the holding of a public hearing if the proposed amendment bylaw is consistent with the OCP that is in effect.

On August 29, 2000 an amendment to the Development Application Procedures Bylaw was adopted that permits Council to waive the public hearing requirement for Commercial, Industrial, Institutional and Mixed Use rezoning applications where the application is: consistent with the OCP; is not for residential land use development or does not abut or is adjacent to residential development. From August 2000 to September 2002 the public hearing requirement has been waived for two rezoning applications, one for an industrial development and one for an institutional development. In addition on October 21, 2002, Council instructed staff to forward a rezoning application for 5065 Frost Road without a public hearing.

It has now become apparent to staff that the Development Application Procedures Bylaw is not the appropriate location for the public hearing waiver conditions and that this would be better suited to a Council policy. This would permit Council the flexibility of suspending the waiver conditions, with the exception of the statutory requirement of consistency with the OCP, in the event an application comes forward that is so minor in nature that the holding of a public hearing is not justified.

Staff are recommending that subsection 2.4.2 be removed from the Development Application Procedures Bylaw and Council Policy No. 307 be adopted. A copy of the draft policy is attached to this report and it must be noted that wording of subsection 2.4.2 has been transferred verbatim to the policy. As a matter of procedure, Council cannot approve the Policy until such time as Bylaw No. 8927 has been adopted; therefore Policy No. 307 will be placed before Council for approval consideration at the same meeting at which Bylaw No. 8927 is considered for adoption.

---

D.L. Shipclark  
City Clerk

