

Memo



Date: May 20, 2011
To: City Manager
From: Land Use Management Department
Subject: Development Application Procedures Bylaw
Report Prepared by: James Moore, Land Use Planner

Recommendation:

THAT Council, receives, for information, the Report from Land Use Management dated May 20, 2011 with respect to creating a new Development Application Procedures Bylaw;

AND THAT Bylaw No. 10540, being the Development Application Procedures Bylaw, be forwarded for reading consideration;

AND THAT after adoption of Bylaw No. 10500 being the Kelowna 2030 Official Community Plan, Bylaw No. 10540, being Development Application Procedures Bylaw, be forwarded for final adoption;

AND THAT after final adoption of Bylaw No. 10540, being Development Application Procedures Bylaw, Council rescinds Bylaw No. 8140, being the Development Application Procedures Bylaw, and all amendments thereto;

AND FURTHER THAT after adoption of Bylaw No. 10540, being the Development Application Procedures Bylaw, Council directs staff to bring forward any necessary amendments to all City bylaws and to Policy No. 359 being Liquoring Licencing Policy and Procedures and Policy No. 290 being Lapsed Development Permits to reflect the new Development Application Procedures Bylaw No. 10540.

Purpose:

Council is asked to consider an updated Development Application Procedures Bylaw that better reflects the changes and updates to development standards brought forward by the 2030 Official Community Plan (OCP) review, in addition to those changes recommended by Staff to address existing gaps in the application process. It is hoped that the improved clarity of the new bylaw will result in increased transparency and certainty for customers.

Background/Discussion:

The existing Development Application Procedures Bylaw was introduced in 1998 and has not been substantially revised since 2004. In the intervening years, there have been a number of amendments to local government planning authority, legal precedents, changes to the organizational structure of the City, and a multi-year OCP review process which is now coming to conclusion. All of which necessitates changes to the Procedures Bylaw.

Specifically, the *Local Government Act* has been amended to expand the development permit powers available to local governments in an effort to reduce greenhouse gas emissions and to

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protect water resources. Further, the requirement for early and ongoing consultation in association with applications to amend the OCP has been reinforced by the BC Court of Appeal.

The City of Kelowna reorganization also has implications for development application procedures, as responsibilities have been reallocated in some cases. For instance, the Subdivision Approval Branch is now separate from Land Use Management.

The 2030 OCP contains updated development requirements and streamlined processes that must be appropriately reflected in development application procedures. In addition, while processing applications and garnering input from the development community over a number of years, Staff have identified several gaps and/or inadequacies in the existing Development Application Procedures Bylaw. Due to the increased complexity of applications and the time and resources required to compile a comprehensive application package, amending development application processes and requirements to reflect current practices is seen to be necessary in order to enhance customer service.

The primary focus of the updated Development Applications Procedures Bylaw is to improve the customer experience by clearly setting out application requirements and processes and by streamlining processes where possible. Many of the items in a Development Application Procedures Bylaw are governed by statute, but there are some areas of discretion. In those areas of discretion, Staff included current practices or made amendments that would be most customer-focused.

In light of the above, the updated bylaw proposes changes including, but not limited to, the following:

- Introducing processes for minor staff-approved environmental development permits at a reduced cost and subject to an abbreviated approval process;
- Clarifying development application requirements (including Development Approval Information) and processing procedures to ensure consistent and transparent application by staff and to provide clear expectations for customers;
- Implementing landscape irrigation standards;
- Providing procedures for incomplete applications and lapses in permits; and,
- Identifying procedures and requirements for Public Information Meetings.

The proposed bylaw also updates references to other City bylaws, provincial ministries and legislation, and brings into effect such changes to permit requirements as necessary to implement the Water Regulation Bylaw No. 10480.

In summary, the update to the Procedures Bylaw has been long overdue, and is timely considering the successful implementation of the 2030 OCP document. Having the correct procedural framework reflected in this bylaw will allow Staff to implement the revised application processes, enhance responsive customer service, and reflect the practices of other progressive municipalities.

Internal Circulation:

City Clerk
Director of Policy & Planning
Director of Development Services
Parks & Public Spaces Manager

Legal/Statutory Authority:

The general requirement to establish development application procedures by bylaw is found in Section 895 of the *Local Government Act*. However, in addition to basic application requirements and processes, the proposed Procedures Bylaw also contains related provisions regarding Development Approval Information and the circumstances under which Council has delegated its authority to staff. The requirement to establish procedures for requiring Development Approval Information is found in Section 920.1 of the *Local Government Act*, while the authority to delegate Council powers is found in Section 154 of the *Community Charter*.

Legal/Statutory Procedural Requirements:

A local government procedures bylaw is not subject to public hearing requirements. As such, the bylaw may be given first, second and third readings in one meeting, and adopted in the following meeting.

Financial/Budgetary Considerations:

It is not anticipated that the new bylaw will result in any additional costs to the City.

Personnel Implications:

Some staff time may be required in order for staff to become familiar with updated processes.

Submitted by:



Danielle Noble, Urban Land Use Manager

Approved for inclusion:



S. Gambacort, Director of Land Use Management

