



Community Resource Handbook

"Identifying Opportunities and Resources for Participating in Planning Your Community"





Welcome to the Community Resource Handbook!

What purpose does the Resource Handbook serve?

This Handbook has been prepared to serve as an information tool for people in Community Associations¹ and others who wish to become actively involved in planning for the future of their community.

The purpose of the Handbook is to:

- ☛ clarify the roles and rights of those involved in the planning process;
- ☛ help Community Associations and members of the public to understand the planning process and the legal framework within which planning functions;
- ☛ identify opportunities for Community Associations and others to participate in the planning process; and
- ☛ improve the ability of Community Associations and members of the public to communicate effectively with City staff and Council. Contacts for City Councillors, Council Appointed Committees, and Planning Staff are identified.

Visit the Planning Department on line or at City Hall for more info!

The Planning and Development Services Department can provide brochures and documents produced by the City relative to planning activities. Many of these documents are now on line at www.city.kelowna.bc.ca and can be found by selecting departments, then planning and development services. A wealth of other information regarding City functions and news is now available on the City Web Page. See page 67, at the back of this book, for more details. Staff can also assist to locate resource material related to community involvement, grant sources and other information.

¹ The term "Community Association" is used throughout this handbook, and includes any organized group of residents who wish to become informed and involved with planning and community development within defined geographic areas of the city (e.g. Residents' Associations, Neighbourhood Associations, etc.).

What you will find in the **RESOURCE** Handbook!



INTRODUCTION

- Community Associations & the Planning Process 1
- Planning Context..... 2
- Participants in the Planning Process..... 3

PART ONE: LONG RANGE PLANNING

- Introduction..... 5
- Kelowna's Strategic Plan..... 6
- Kelowna's Official Community Plan..... 7
- Sector and Neighbourhood Plans 8
- Area Structure Plans..... 9
- Special Project Advisory Committees..... 10
- Council Advisory Committees..... 10

PART TWO: CURRENT PLANNING

- Introduction 11
- Rezoning 12
- Subdivision..... 18
- Development Permits..... 23
- Development Variance Permits..... 29
- Heritage Revitalization Agreements..... 33
- Heritage Alteration Permits..... 39
- Agricultural Land Reserve 45
- Building Permits..... 49
- Board of Variance..... 53

PART THREE: WHO'S WHO

- City of Kelowna Municipal Council Members 58
- City of Kelowna Council Appointed Committees59
- Long Range & Community Planning Projects 62
- City of Kelowna Web Site.....64

LIST OF FIGURES:**PART ONE: LONG RANGE PLANNING**

- Figure 1.1: Hierarchy of Long Range Planning Documents
- Figure 1.2: The Strategic Planning Process: Opportunities for Public Involvement
- Figure 1.3: OCP Preparation: Opportunities for Public Involvement
- Figure 1.4: Existing Sector Plans / Neighbourhood Plans
- Figure 1.5: Existing Area Structure Plans

PART TWO: CURRENT PLANNING**□ REZONING**

- Figure 2.1: Pre-application Contact with Community Associations
- Figure 2.2: Notification of Advisory Planning Commission Public Meetings
- Figure 2.3: Regular Council Meeting Schedule
- Figure 2.4: Notification of Council Public Hearings
- Figure 2.5: Rezoning Process

□ SUBDIVISION

- Figure 2.6: Development Cost Charges
- Figure 2.7: Subdivision Process

□ DEVELOPMENT PERMITS

- Figure 2.8: Pre-application Contact with Community Associations
- Figure 2.9: Notification of Advisory Planning Commission Public Meetings
- Figure 2.10: Notification of Regular Council Meetings for Development Permits
- Figure 2.11: Regular Council Meeting Schedule
- Figure 2.12: Development Permit Process

□ DEVELOPMENT VARIANCE PERMITS

- Figure 2.13: Pre-application Contact with Community Associations
- Figure 2.14: Notification of Advisory Planning Commission Public Meetings
- Figure 2.15: Notification of Regular Council Meetings for Development Variance Permits
- Figure 2.16: Regular Council Meeting Schedule
- Figure 2.17: Development Variance Permit Process

□ HERITAGE REVITALIZATION AGREEMENTS

- Figure 2.18: Pre-application Contact with Community Associations
- Figure 2.19: Notification of Advisory Planning Commission Public Meetings
- Figure 2.20: Regular Council Meeting Schedule
- Figure 2.21: Notification of Public Hearings of Council
- Figure 2.22: Heritage Revitalization Agreement Process

□ HERITAGE ALTERATION PERMITS

- Figure 2.23: Pre-application Contact with Community Associations
- Figure 2.24: Notification of the Advisory Planning Commission Public Meetings
- Figure 2.25: Notification of Regulation Council Meeting for Heritage Alteration Permits
- Figure 2.26: Regular Council Meeting Schedule
- Figure 2.27: Heritage Alteration Permit Process – Council Approval Required
- Figure 2.28: Heritage Alteration Permit Process – Director Approval Required

□ AGRICULTURAL LAND RESERVE

- Figure 2.29: Notice of Agricultural Land Reserve Exclusion
- Figure 2.30: Agricultural Land Reserve Process

□ BUILDING PERMITS

- Figure 2.31: Building Permits are Required to...
- Figure 2.32: Inspections Normally Required for a Residential Building Permit
- Figure 2.33: Building Permit Process

□ BOARD OF VARIANCE

- Figure 2.34: Board of Variance Appeal Process

Introduction

COMMUNITY ASSOCIATIONS AND THE PLANNING PROCESS

Community Associations represent a variety of interests from heritage and wildlife conservation, to the promotion of tourism and economic development. Despite the variety of interests represented, nearly all associations are affected by changes to the city spurred by pressures to accommodate new residents or improve services to the community. The Resource Handbook is designed to identify opportunities for community associations and other members of the public to effectively contribute to planning for, and shaping, these changes.

Community associations have a particularly important part to play in the planning and development process. Their position in the community gives them the potential to solicit the views of many residents of the city; and their experience with particular subject matters ensures detailed knowledge of those matters. By communicating their knowledge to City staff and Council, community associations can ensure a broad cross section of interests are represented in the planning and development process. The Resource Handbook will help community associations to achieve this function by identifying points in the planning process where their participation is most effective.

The first section of the Resource Handbook outlines “**long range planning**” practices and identifies statutory plans and planning documents that are central to establishing a framework for future development. The second section outlines “**current planning**” processes, including standard procedures followed in the review of development applications.

Although long range and current planning processes are addressed in different sections of the Resource Handbook, the two processes are highly interrelated. When a developer submits an application to be reviewed, the merit of the application is evaluated against the policies set out in the City's long range planning documents.

The third section outlines a “**Who's Who**” in City Hall telephone directory. The directory will help community associations contact City staff and Council to answer questions not outlined in the Resource Handbook.

Community associations and other organizations that depend on volunteers often have a turnover of active members. It is hoped that the Resource Handbook will help to maintain a base of knowledge within community associations even as change occurs within the membership of the association.

PLANNING CONTEXT

In most of the province, the powers and duties of local governments are governed primarily by the regulations set out in the Local Government Act of the Provincial Legislature.² Local governments - represented in the City of Kelowna by a City Council and staff - are delegated specific powers and duties by the Act that grant them the authority to adopt municipal bylaws and to prepare local plans.

The Local Government Act also specifies procedures for implementing the goals and objectives of these plans - including requirements for public participation and procedures for notifying the public of up-coming Council decisions. Participation in many of the planning processes is provided for by the Local Government Act through a Public Hearing of Council. The Public Hearing allows members of the public to express their views directly to Council. Notification procedures are also set out in the Local Government Act to inform the public of the schedule for Public Hearings of Council.

Council policy and staff practice have evolved over time to provide additional avenues for public participation over and above procedures outlined in the Local Government Act. In undertaking special projects and preparing long range plans, the input of the public is sought by staff and Council through a series of open houses, opinion surveys, and advisory committees. Planning staff and Council also frequently seek out the views of community associations through direct consultation or through their representation on advisory committees.

Both community associations and the general public also have the opportunity to participate in many of the development review processes through a public meeting of the Advisory Planning Commission (APC). Council established the APC to provide an avenue for the public to comment on development applications prior to the application proceeding to the Public Hearing of Council. By providing comments at this stage in the development approval process, there is sufficient time for these comments to be incorporated into the final proposal the applicant presents to Council at the Public Hearing.

The following sections outline opportunities for public involvement as they are legally defined by the Local Government Act, set out by Council policy, and followed by staff as a matter of procedure.

² The Local Government Act can be accessed on the BC Government web site (www.gov.bc.ca). The LGA does not regulate the powers of government in the Gulf Islands or the City of Vancouver. Rather these areas are regulated by the Island Trust Act and the Vancouver Charter respectively. Reserve lands are governed by the Indian Act.

PARTICIPANTS IN THE PLANNING PROCESS

Who are the participants in the planning process?

City Council and Staff are involved in facilitating long range and current planning processes on a day-to-day basis while the “public” participates at more strategic points in the process depending on their particular interest.

The public may participate:

- ✓ through a special interest group - i.e. Community or Residents' Association,
- ✓ as an individual, independent of an organization (including neighbours), or
- ✓ as a person submitting a development application.

In addition, there are a number of members of the public who are appointed to committees that advise City Council and Staff on planning and community issues.

What is the role of City Council and Staff?

City Council and Staff are responsible for acting within the powers granted to them by the Local Government Act and other provincial legislation – including observing requirements for public participation and notifying the public of upcoming opportunities to participate.

What is the Role of a Community Association?

Community Associations, in acting as representatives of the residents and property owners of specific areas, have an opportunity to:

- ✓ define their own geographic boundaries;
- ✓ be open to the residents and property owners within the recognized boundaries;
- ✓ help inform members about planning issues;
- ✓ actively contribute to policy formation through their participation in the preparation of long range plans; and
- ✓ participate in current planning processes at Public Meetings of the Advisory Planning Commission and Public Hearings of Council.

A complete list of the Community Associations is available at the Planning and Development Services Department or on the City's web site at www.city.kelowna.bc.ca under **Community Info**.

What is the role of a special interest group?

Special interest groups may form around a particular land use issue, like environmental or heritage issues, and may or may not represent a defined geographic area, like other Community

Associations. Special interest groups have opportunities to become well-informed about planning issues and participate in both long range and current planning processes.

What is the role of the applicant?

The **applicant** is responsible for understanding application procedures and meeting the requirements set out within these procedures.

What is the role of neighbouring residents of a proposal?

Neighbouring residents of a site for which an application has been submitted have an opportunity to become knowledgeable about the details of the application and about the planning process generally. The input of neighbouring residents helps City Council and staff to learn more about the impact of a proposed projects on the neighbourhoods within which the project could be located.

LONG RANGE PLANNING

PART ONE : LONG RANGE PLANNING

INTRODUCTION

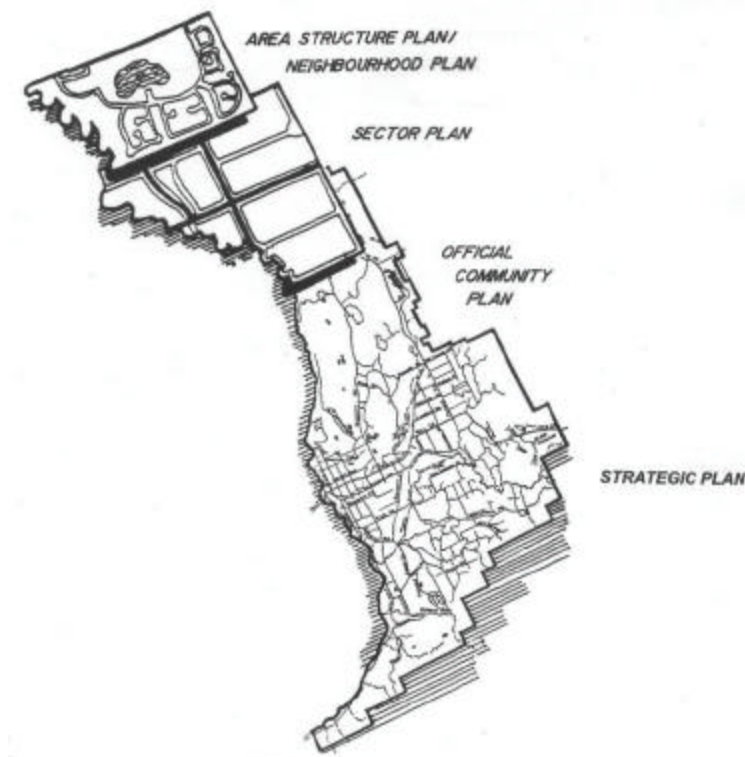
The Planning and Development Services Department is responsible for preparing long range plans. Once these plans are adopted by Council, they are viewed as policy statements of the goals and objectives of the community as a whole. They directly influence the character and location of future development within the City of Kelowna by guiding Council in making zoning or servicing decisions.

The following long range plans are of primary importance to the City's future:

- Kelowna's Strategic Plan
- Kelowna's Official Community Plan
- Sector Plans / Neighbourhood Plans
- Area Structure Plans

Special projects are also undertaken periodically to provide additional information and direction for future growth in the City. Advisory Committees of Council provide input on an as-needed basis.

Figure 1.1: City of Kelowna Hierarchy of Long Range Planning Documents



KELOWNA'S STRATEGIC PLAN

The Strategic Plan establishes a broad direction and overall vision for major activities the City is involved in, including land use, urban form, and servicing. The Plan recognizes the strong interrelationships of various City activities, and ensures consistency between these activities.

The Strategic Plan is looked to as a statement of broad community goals and objectives. The goals established in the plan provide a framework for the more detailed policies adopted by Council in the Official Community Plan (OCP) (see page 7 for more information on the OCP).

Specific requirements for public involvement in the preparation of the Strategic Plan are not set out in the Local Government Act³. However, from the beginning of the process, the committee established to oversee the preparation of the Plan was concerned that the process involve as many residents as possible. The process was open to community associations and people of all ages and backgrounds. **Figure 1.2** outlines the avenues for citizen involvement in the 1991 Strategic Planning Process.

Figure 1.2: The 1991 Strategic Planning Process: Opportunities for Public Involvement

Identification of Issues and Values

- ⇒ Interviews with approximately 45 key persons in the community to identify issues
- ⇒ Interviews and surveys of community agencies
- ⇒ Telephone interviews with 700 households
- ⇒ Newspaper questionnaires – 1,900 responses were received

Prioritization of Issues, Identification of Community Vision

- ⇒ Community Planning Forum

Broad Community Vision – Selection of Objectives and Strategies

- ⇒ Strategic Planning Workshop attended by approximately 160 residents
- ⇒ Survey of residents attending workshop
- ⇒ Community review of Strategic Plan and Open House

The majority of the Community Associations were relatively new when the Strategic Planning process was initiated in 1991. However, many of the people now involved in Community Associations actively participated in the preparation of the plan.

A review of the Strategic Plan is being initiated in 2003. This process will include opportunity for public involvement. Contact Signe Bagh, Long Range Planning Manager, for details: sbagh@city.kelowna.bc.ca or 862-3339, local 437.

³ Available on the Provincial Government web site (www.gov.bc.ca).

KELOWNA'S OFFICIAL COMMUNITY PLAN

Kelowna's Official Community Plan (OCP)⁴ is a comprehensive statement of City policies and objectives relating to servicing requirements, the form and character of existing and future land uses, and social issues. The OCP has been adopted as a bylaw and all other bylaws enacted and works undertaken by City Council must be consistent with the OCP.

The OCP is the primary policy document that guides future growth and development within the City's boundaries. The OCP includes City policies and objectives relating to regional considerations, population growth, employment, growth management, urban centres, the natural environment, housing, economic development, agriculture, transportation, servicing / utilities, parks, arts / culture, heritage, the social environment, institutional use, future land uses, urban design, and other areas of concern to the city.

The OCP forms the basis by which City staff and Council can evaluate how a development proposal for a specific property relates to the goals and objectives established for the city as a whole. City Council's approval of development proposals and subordinate plans must conform to the policies and objectives of the OCP.

Due to the significance of the OCP as a framework for guiding future growth and development, the Local Government Act requires City Council to hold a Public Hearing prior to its adoption. Once the OCP has been adopted, any amendment to the Plan would also demand that Council hold a Public Hearing. At a Public Hearing, representatives of community associations, like other members of the public, may present their views of the proposed amendment to Council.

In preparing Kelowna's OCP in 2000-2002, the Planning and Development Services Department led an extensive public consultation process prior to the Public Hearing of Council. **Figure 1.3** outlines the opportunities for public involvement in the preparation of the OCP. The OCP is updated every five years through a more limited public process.

Figure 1.3: OCP Preparation: Opportunities for Public Involvement

- ⇒ Random sample survey distributed to 2500 households
- ⇒ Focus groups for each major topic area – advertisements seeking public members
- ⇒ Discussion papers for each major topic area – available for public review
- ⇒ 3 city-wide public Open Houses
- ⇒ 7 public Open Houses in various City sectors (Glenmore, the Mission, Rutland, Central Kelowna)
- ⇒ Draft text and policy documents posted to web page
- ⇒ OCP specific web site process outline, OCP email address and OCP telephone hotline
- ⇒ Radio and television talk shows, including call-in question periods
- ⇒ A Public Hearing of Council

⁴ Available on the City web site (www.city.kelowna.bc.ca) – click **Official Community Plan**.

SECTOR AND NEIGHBOURHOOD PLANS

Sector Plans are prepared by the City as framework for future development in 10 areas of the city that are considered integrated planning units. Sector Plans include provisions that address essential services and facilities, land uses, transportation systems, population density, and the sequencing of development in the plan area. These plans contain more details than the OCP. Future land use and some policy components of Sector Plans are adopted by bylaw as part of the OCP.

Neighbourhood Plans are prepared by the City for areas of Kelowna that are experiencing pressures for re-development or higher density development. NPs address land uses, urban design, servicing, and transportation issues. Like Sector Plans, key policy and land use components of the plan are adopted by bylaw as part of the OCP.

In the preparation of both Sector and Neighbourhood Plans, representatives of community associations and residents of the area are invited to represent their interest on an Advisory Committee. The Advisory Committee typically includes members of the affected business and development community, representatives of community associations, and citizens-at-large. The function of the Committee is to help identify key issues of concern and to give the Planning Department direction from the public.

In order to incorporate views beyond those of the Advisory Committee, public open houses are held throughout the preparation and adoption stages of the Plan. All residents of the affected area are invited to attend the open houses. Exit surveys are generally provided to assess public response to the Plan.

Once a Sector or Neighbourhood Plan is complete, a Public Hearing of Council is held to adopt key components of the Plan directly into the OCP. These key components are adopted as "*bylaws to amend the OCP.*" At the Public Hearing, community associations and other members of the public have the opportunity to present to Council their view of the Plan. The components of the Plan that have been adopted into the OCP can not be altered without an additional Public Hearing of Council to amend the OCP. **Figure 1.4** outlines existing Sector and Neighbourhood Plans

Figure 1.4: Existing Sector Plans

Black Mountain
Glenmore/ Clifton / Dilworth
North Mission Crawford
Rutland
Highway 97
Southeast Kelowna
South Pandosy / KLO
Southwest Okanagan Mission

Existing Neighbourhood Plans:

Five Bridges
Hartman Road Area
North Central
North End
South Central
Ambrosi Area Plan
Kelowna Centre

AREA STRUCTURE PLANS

The OCP requires an Area Structure Plan (ASP) to be prepared by landowners within specific areas of the city, prior to the approval of a development proposal for that area. The ASP provides the link between the goals and objectives of the OCP and large-scale development proposals for areas of the City that are largely undeveloped. They must include information on existing conditions, the natural environment, development objectives and policies, servicing / infrastructure upgrades, future land uses, transportation networks, the need for major institutional facilities, and development permit requirements.

The OCP identifies ten areas throughout the City that require an ASP in order for development to occur. The majority are largely undeveloped parts of the City that require careful planning to ensure that development occurs in an orderly manner. ASPs have already been prepared for some areas. The OCP Generalized Future Land Use Map (Map 19.1) identifies these areas and the Future Land Use Chapter of the OCP outlines land uses desirable for each of the ASP locations. The Future Land Use Chapter of the OCP should also be referred to for additional circumstances under which an applicant may be required to prepare an ASP.

Although ASPs are prepared by private applicants, the proponents of the Plan are encouraged to include the public in their planning process. In addition, ASPs are reviewed by City staff, affected provincial agencies, and are subject to the scrutiny of the public at a Public Hearing of Council. Council's approval of an ASP demands that a Public Hearing be held to adopt key components of the ASP into the OCP and to amend the City's Zoning Bylaw⁵ to reflect changes to the zoning of the affected area. These approvals permit the applicant to develop their land within the restrictions of the ASP.

Figure 1.5: Existing Area Structure Plans

- Gallagher's Canyon Golf Resort
- Southwest Mission (Kettle Valley & Neighbourhood 2)
- Tower Ranch
- Quail Ridge
- Highway 33 East
- University Heights
- Glenmore highlands
- Kirschner Mountain
- Canada Lands
- Central Park Golf Course

Figure 1.5 outlines the ASPs currently in place for various City areas.

⁵ Available on the City web site (www.city.kelowna.bc.ca) – click **Bylaws** then **Zoning Bylaw 8000**

SPECIAL PROJECT ADVISORY COMMITTEES

Advisory committees are established on an as-needed basis to allow input into special projects and plans. Some examples of these special projects include the following:

- Wetland Habitat Management Strategy
- Heritage Management Plans
- Kelowna Public Art Initiative
- Lake Okanagan Shore Zone Plan
- Tree Protection Bylaw
- Heritage Conservation Area Proposal
- Downtown Plan
- Agriculture Plan
- Urban Town Centre Design Guidelines

Part Three of this Handbook includes an outline of the persons in the Planning and Development Services Department responsible for special projects, as well as those responsible for preparing Sector and Neighbourhood Plans in various geographic areas of the City.

COUNCIL ADVISORY COMMITTEES

Community Associations, and members of the general public, may apply for an appointment on a Council Advisory Committee. Council Advisory Committees provide public input on matters that are referred to Council for final decision. City Council may appoint members of the public to committees, including the:

- Advisory Planning Commission
- Agricultural Advisory Committee
- Community Heritage Commission
- Kelowna Parking Committee
- Social Planning and Housing Committee
- Public Art Committee

Most Council Advisory Committee meetings are open to the public. For more information, including Committee meeting schedules and terms of reference, visit the City web site (www.city.kelowna.bc.ca) and click on **Calendar**, or contact the City Clerk's department – 862-3339, ext. 308.

Part Three of this Handbook includes a comprehensive list of each of the Council Advisory Committees. A staff contact for each Council Advisory Committee is also included.

CURRENT PLANNING

PART TWO: CURRENT PLANNING

INTRODUCTION

Current planning or “implementation planning”, can involve a review of site specific applications for a rezoning, subdivision, development permit, development variance permit, heritage revitalization agreement, heritage alteration permit, building permit, an application to alter the restrictions on land within the provincial Agricultural Land Reserve, or an application to the Board of Variance.

In reviewing, approving, or refusing current planning applications, staff and Council implement the goals and objectives of the long range plans prepared for the city by supporting applications that conform to these plans.

Community associations and the public have the opportunity to participate in many of the current planning processes. However, these opportunities are somewhat limited compared to those included in the long range planning process. Extensive public consultation is exercised in the preparation of long range plans to ensure these plans function as statements of the goals and objectives of the community. Staff and Council can then review current planning applications without the need to extensively consult the community as a whole each time a development application is submitted. Having said this, the current planning process does set out points where community associations and the public can make their concerns known in a meaningful way.

The following section outlines current planning processes from the point that an applicant makes his or her first inquiry, through to the approval or refusal of the application by the approving authority. Current planning processes are presented in the following order:

- | | |
|--------------------------------|------------------------------------|
| E Rezoning | E Heritage Alteration Permits |
| E Subdivision | E Applications to the Agricultural |
| E Development Permits | Land Commission |
| E Development Variance Permits | E Building Permits, and |
| E Heritage Revitalization | E Applications to the Board of |
| Agreements | Variance |

Although a development proposal may require more than one type of application, for simplicity, each approval process has been written so that it may be read independently of the others. Planning and Development Services Department staff can provide more information on applications that involve multiple approvals.



What is “Rezoning”?

All properties within the City of Kelowna are zoned for specific land uses, as set out in the City of Kelowna Zoning Bylaw⁶. The Zoning Bylaw regulates:

- the use and density of development on land, and in buildings;
- the siting, size, and dimensions of buildings and uses; and
- the location of uses on land, and within buildings.

The Zoning Bylaw consists of two components, a set of maps and a text document. The maps divide all land within the City boundaries into residential, commercial, agricultural, institutional, industrial, heritage, and comprehensive development zones. The document component of the Zoning Bylaw outlines specific land uses allowed within each zone and the requirements for the location and size of buildings.

Property may only be developed in accordance with the regulation of the zone designation for that property. When the existing zone does not allow for the desired land use, the property owner or an agent representing the property owner, must apply to City Council to change the zone designation of the property. This process is referred to as “rezoning.”

The rezoning process provides for the implementation of the policies and objectives of the City’s Official Community Plan⁷ (OCP). Rezoning applications are generally supported by City staff and Council where they conform to the policies and objectives of the OCP, particularly the future land use designations of the OCP Generalized Future Land Use Map (Map 19.1). If a person wishes to rezone their property to a zone that does not reflect the requirements of the OCP, that person must seek an amendment to the OCP before a rezoning application can be approved by Council.

What is the Rezoning Process?

The process involved in rezoning a property is outlined below and opportunities for public input are highlighted. **Figure 2.5** at the end of this section outlines a flow chart of the rezoning process.

⁶ Available on the City web site (www.city.kelowna.bc.ca) – click **Bylaws** then **Zoning Bylaw No. 8000**.

⁷ Available on the City web site (www.city.kelowna.bc.ca) – click **Official Community Plan**.

1. Pre-Application Meeting with Staff

A landowner contemplating rezoning a property will often contact staff in the Planning and Development Services Department prior to submitting a formal application. Planning staff will give the landowner preliminary feedback on the proposal and outline information required for a complete application.

During this initial consultation, planning staff may suggest that the landowner contact adjacent residents, the area's Community Association and any other individual or group that might be affected by the proposed development. **Figure 2.1** outlines benefits to the landowner of making contact with the area's Community Association.

Figure 2.1: Pre-Application Contact with Community Associations

Although contacting the area's Community Association and/or the surrounding neighbourhood is at the discretion of the applicant, informal discussions between these parties prior to submitting an application have the following advantages for the applicant:

- ✓ The fact that the applicant is asking for input before the application is submitted is often seen as a sign of "good faith." This helps to encourage an atmosphere of cooperation.
- ✓ The applicant can judge the level of support for, or opposition to, the proposal and determine whether to invest additional resources in proceeding with the application.
- ✓ The applicant can take account of suggestions and revise proposed plans prior to submitting the application, frequently resulting in time and cost savings in the development review process.

2. Application Submitted and Circulated

Once an applicant has submitted a complete rezoning application to the Planning and Development Services Department, the application is referred to the relevant City and Provincial departments for review and comment.

A rezoning application for a site which has had activity occur for commercial gain must be accompanied by a Site Profile. The Site Profile outlines the commercial and industrial history of the property, and areas of potential concern related to hazardous substances, spillage of contaminants, fill materials, and or waste disposal.

3. Evaluation and Assessment

Planning staff will inspect the development site and review the application to evaluate its compliance with the policies and objectives of the Official Community Plan (OCP) and other City Bylaws.

The OCP contains a Generalized Future Land Use Map that serves as a "blueprint" for the future development of the City. If the applicant's proposal does not conform to the future land use designation of the property, as set out on the Generalized Future Land Use Map, staff may not support the proposal. The applicant must first seek and obtain an amendment to the OCP that would accommodate the proposed land use. The applicant's development proposal should also be in compliance with the regulations of the zone designation they are proposing

for their property. Sector and Neighbourhood Plans prepared for specific area also provide detailed information regarding appropriate land uses on properties throughout the City.

In addition to evaluating the consistency of the application with established policies, planning staff assess the likely impact of the proposal on adjacent residents. Discussions and negotiations may take place between staff and the applicant to address planning concerns arising from the internal review.

4. Consideration by the Advisory Planning Commission

The Planning and Development Services Department is required to refer rezoning applications to the Advisory Planning Commission (APC).

The APC is one of the primary means through which community associations and other members of the public may participate in the rezoning process. Nine members of the community make up the APC.

Figure 2.2 outlines the APC Public Meeting notification process.

As a Council Committee, the APC reviews rezoning applications and hosts a **Public Meeting**. The Public Meeting is open to anyone wishing to comment on the application. At the meeting, members of the public have the opportunity to represent their concerns and have some informal dialogue with the applicant.

The public may **submit written comments** on a particular application to the Planning and Development Services or City Clerk's Department. Input received a week before the APC meeting is included on the APC agenda and circulated to the commissioners of the APC. Additional input received before the APC meeting is presented at the meeting by planning staff.

Considering the information learned at the public meeting, the APC will forward a recommendation to Council stating whether it supports the proposal, supports the proposal subject to conditions, or does not support the proposal.

Figure 2.2: Notification of APC Public Meetings

- newspaper advertisements in the Kelowna Daily Courier and the Capital News in the Friday and Sunday issues, 11 and 9 days in advance of the Tuesday Public Meeting;
- posted notice(s) of the application on the subject property, ten calendar days prior to the Public Meeting; and,
- notice of the application available at Planning and Development Services at City Hall, one week prior to the Public Meeting.



5. Servicing Agreement Drafted

Once comments are received from the APC and the appropriate City and Provincial departments, it may be necessary to address infrastructure and road servicing matters that are essential to the construction of the proposed development.

At this point, City staff outline for the applicant the infrastructure and road servicing improvements that will be required of the applicant as a result of the proposed development. These matters must be addressed through a Servicing Agreement (point "8" below) before Council will approve a bylaw to amend the Zoning Bylaw and rezone the applicant's property.

6. Council Initial Consideration & First Reading

All of the information gathered by planning staff regarding the application is summarized in a report and forwarded, along with the application, to City Council for initial consideration.



During initial consideration, planning staff review the report for Council, and Council has the opportunity to ask questions regarding the application. Members of the public may attend this meeting but are not afforded the opportunity to ask questions or make presentations until the Public Hearing of Council (see point "7" below).

Figure 2.3: Regular Council Meeting Schedule

Regular Council meetings are held every Monday afternoon (except holidays), and are broadcast on Shaw Cable (Channel 11) as follows:

<u>Meeting Time</u>	<u>Broadcast Times</u>
Monday 1:30 p.m.	Wednesday 11:00 a.m.
	Saturday 11:00 a.m.
	Sunday 7:00 p.m.

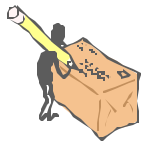
Following initial consideration, the City Clerk prepares a bylaw, reflecting the applicant's proposal. The bylaw is presented at a later Council meeting for first reading. **Figure 2.3** outlines the broadcast schedule for Council meetings.

The City Clerk will introduce to Council the bylaw to amend the Zoning Bylaw for discussion and debate at a regular meeting of Council. If Council deems the bylaw worthy of further consideration, they will give the bylaw "First Reading" by a majority vote. The bylaw is then forwarded to a Public Hearing. A bylaw to amend the Zoning Bylaw requires four readings by Council before it can be adopted.

7. Public Hearing of Council & 2nd/3rd Reading

Anyone who believes that their interest in property is affected by a rezoning application may attend the **Public Hearing** and present their written or verbal submissions to Council⁸.

⁸ Submission guidelines are available on the City web site (www.city.kelowna.bc.ca) – click **Council**, then **Council Procedures**.



Written comments regarding the application are accepted by the Clerk's Department prior to the Public Hearing. **Figure 2.4** outlines the Public Hearings notification process.

Following the conclusion of the Public Hearing, Council will consider the recommendations of the APC, City staff, and information received at the Public Hearing. They may then give the application a Second and Third Reading if they deem the bylaw worthy of further consideration. If second or third reading are not granted the bylaw is not forwarded to Fourth Reading and "dies" as a result.

Figure 2.4: Notification of Council Public Hearings

- ☐ newspaper advertisements are posted in the Kelowna Daily Courier in the Monday and Tuesday issues, and in the Capital News in the Sunday issue, a week before the Public Hearing;
- ☐ letters are sent or hand delivered, at least 10 days before the Public Hearing, to owners and tenants of property within a distance of 300 feet or 100 meters of the site the proposed rezoning application is related to, outlining the application, and the timing and rules of the Public Hearing; and,
- ☐ 10 days prior to the Public Hearing, notices on the site are updated to include the date of the Public Hearing.



8. Servicing Agreement Executed & Security Received

Prior to the proposed bylaw receiving a "Fourth Reading", the applicant must enter into a Servicing Agreement with the City. The Servicing Agreement is designed to ensure that if the proposed development is approved, the applicant completes all the infrastructure and road servicing improvements outlined in the application.

The applicant may be required to provide money to cover the cost of the work outlined in the servicing agreement. This money is held in trust by the City and returned with interest if Council defeats the application at fourth reading, or the work outlined in the servicing agreement is completed by the applicant.

9. Fourth Reading - "Final Adoption"

Final adoption through fourth reading may be withheld for a variety of reasons including (but not limited to) the absence of:

- a Servicing Agreement,
- Ministry of Transportation approval (if required),
- Development Permit/Development Variance Permit Approval,
- Preliminary Subdivision Approval,
- Road reservation, legal fees, or technical conditions.

Once all requirements are met, planning staff forward a supplementary report to Council requesting the final adoption of the bylaw to amend the City of Kelowna Zoning Bylaw. At this time, Council again has the opportunity to adopt, defeat, or alter and then adopt the bylaw.

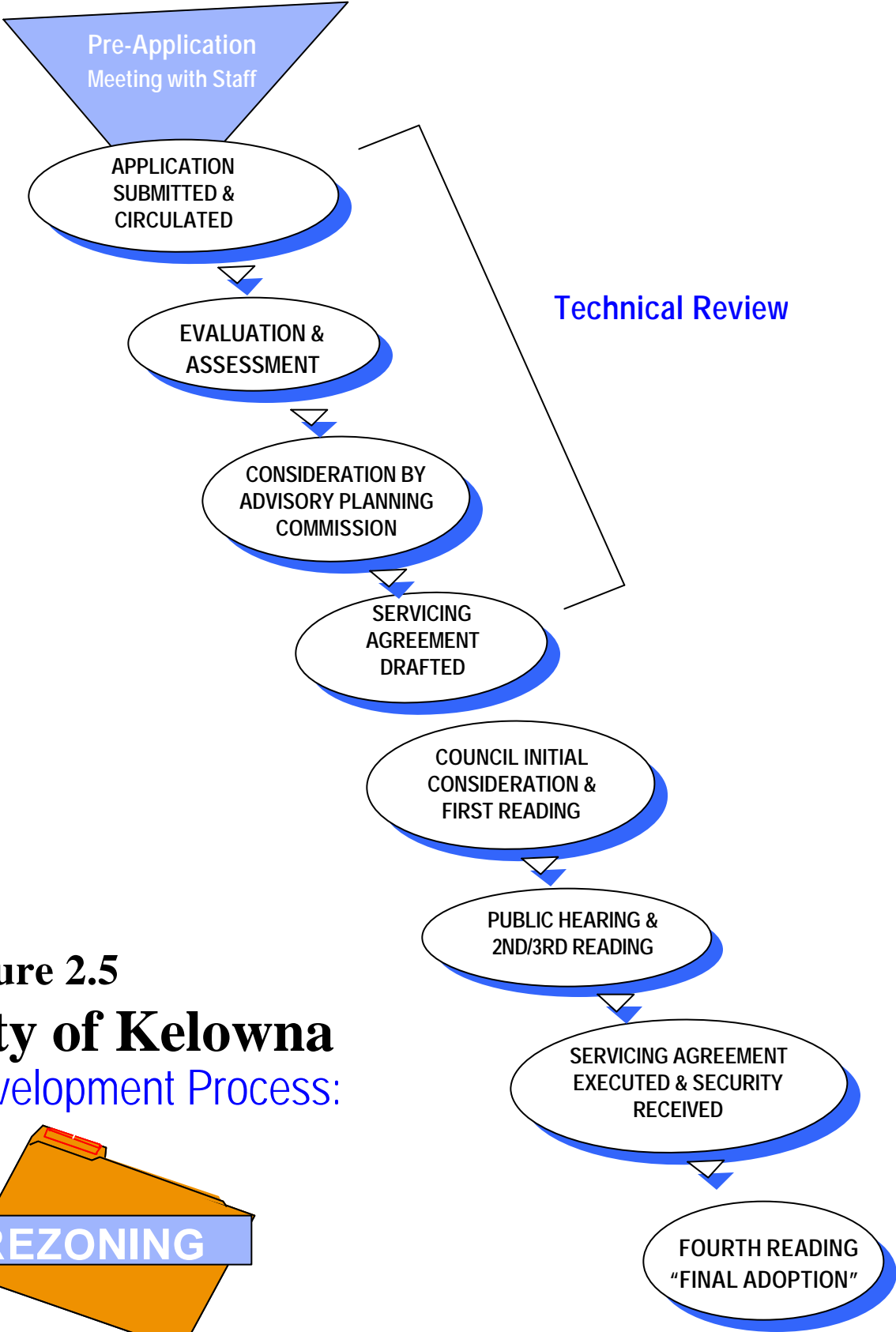
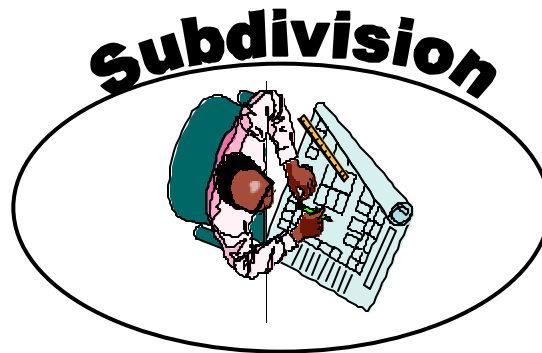


Figure 2.5
City of Kelowna
 Development Process:





What is “Subdivision”?

Subdivision generally means the division of land into two or more parcels, or the consolidation of two or more properties. The Local Government Act, the Land Title Act, and the Strata Property Act of the Provincial Legislature⁹ all contain regulations that govern the subdivision of property. The Local Government Act authorizes local governments to establish bylaws that set more specific rules in relation to the subdivision of property including a zoning bylaw and a subdivision, development, and servicing bylaw. The City of Kelowna Zoning Bylaw¹⁰ regulates the subdivision of land by establishing minimum sizes for properties within specific land use zones. The Subdivision, Development and Servicing Bylaw¹¹ sets out regulations in relation to infrastructure and services that must be provided when land is subdivided.

In comparison with other current planning processes, there are fewer opportunities for the public and those who are not directly affected by the subdivision application to participate in the subdivision process. This is in part due to the fact that in order for land to be subdivided, the land must be within a zone that allows for the division of land into smaller parcels. This would mean that in cases where land was not zoned to allow for smaller parcels, the applicant would be required to undertake a process for rezoning the land. It is during the rezoning process that the development proposal is subject to the scrutiny of the public at a Public Meeting of the Advisory Planning Commission and a formal Public Hearing of Council (see previous section "Rezoning"). Once a property is zoned for a specific land use, the landowner may subdivide the property, provided the subdivision plan meets the requirements of provincial legislation and municipal bylaws.

The Subdivision Approving Officer in the Planning and Development Services Department reviews subdivision applications along with a number of other agencies. The Subdivision Approving Officer has the final authority to approve or refuse a subdivision application based on criteria specified in provincial legislation and municipal by-laws - Council does not review subdivision applications.

⁹ These statutes are available on the Provincial Government web site (www.gov.bc.ca).

¹⁰ Available on the City web site (www.city.kelowna.bc.ca) – click **Bylaws** then **Zoning Bylaw No. 8000**.

¹¹ Available on the City web site (www.city.kelowna.bc.ca) – click **Bylaws** then **Subdivision, Development and Servicing Bylaw No. 7900**.

What is the Subdivision Process?

The process involved in subdividing a property is outlined below. **Figure 2.7** at the end of this section outlines a flow chart of the subdivision process.

1. Pre-Application Meeting with Staff

The subdivision process begins with preliminary discussions between the landowner and planning staff in the Subdivision section of the Planning and Development Services Department. During this initial consultation, planning staff give the landowner an idea of whether their property can be subdivided and what is generally involved in the subdivision process.

2. Application for Preliminary Layout Review

If the landowner wishes to proceed with an application to subdivide a property, the landowner will prepare a preliminary layout for the subdivision, incorporating information received in the pre-application meeting with planning staff. The preliminary subdivision layout defines, for example, the location of proposed roads and lots, as well as topographical and environmental characteristics of the land.

The preliminary subdivision layout is submitted to the Subdivision Approving Officer in the Planning and Development Services Department for review. This process is referred to as a Preliminary Layout Review (PLR). There is no legislative requirement for the applicant to submit an application for a PLR, however, the process does serve to expedite public business. The Subdivision Approving Officer can assess whether the proposed layout complies with applicable provincial and municipal legislation, before the applicant incurs additional costs related to the subdivision.

An application for PLR related to a site that has had activity occur for commercial gain must be accompanied by a Site Profile. The Site Profile outlines the commercial and industrial history of the property, and areas of potential concern related to hazardous substances, spillage of contaminants, fill materials, and or waste disposal.

When the applicant has submitted a complete application for a PLR, landowners of properties that border the site, are notified of the application through a **letter from the Planning and Development Services Department** inviting their comments on the subdivision proposal.



Members of the public are welcome to **make an appointment to meet with the Subdivision Approving Officer** to discuss the application in more detail.

3. Evaluation and Assessment

The complete PLR application is referred to the relevant City departments and Provincial agencies for their review and comment (i.e. City of Kelowna Environmental Division, Provincial Ministry of Transportation) and an inspection of the site to be subdivided is conducted by Planning staff.

4. Preliminary Layout Review Letter Received

Once comments from outside agencies have been received, the Subdivision Approving Officer will provide the applicant with a letter, including the comments received from City and Provincial Departments. The letter sets out construction requirements for services and infrastructure, and the various fees and Development Cost Charges (DCCs) that must be paid by the applicant. **THE PLR DOES NOT CONSTITUTE AN APPROVAL OF THE SUBDIVISION LAYOUT.**

Figure 2.6 outlines the nature of DCCs, and what DCCs do and do not finance.

Figure 2.6: Development Cost Charges

Continuing population growth in Kelowna requires the construction and expansion of City services. The cost of these services has been projected based on assumptions about the location and rate of population growth. The ability to finance these costs is set out in a 20 Year Servicing Plan and Financing Strategy.

What are DCCs and what do DCCs finance?

The Servicing and Financing Strategy supports the Official Community Plan policy that the cost of major services and infrastructure related to new growth will primarily be the responsibility of new development. New development therefore, is charged a levy in the form of a **Development Cost Charge (DCC)**. DCCs finance a portion of the cost of arterial and collector roads, water systems, sanitary sewer systems, drainage systems, and parkland acquisition and development. A portion of the cost of these services are also paid through general tax revenues to reflect the portion of the new infrastructure that will be of benefit to all taxpayers.

What do DCCs NOT finance?

DCCs do not finance capital expenditures which are required to satisfy operational, recreational, cultural, or safety demands within a growing community. They also do not contribute to the financing of upgrading drainage or installing sanitary sewer services in existing neighbourhoods. These costs are recovered directly from the user or in the form of taxation or utility user rates from property owners.

Where the land use proposed by the preliminary subdivision layout does not comply with existing zoning the applicant must submit a rezoning application and have it approved by Council prior to the Subdivision Approving Officer authorizing a Subdivision Approval (See the "Rezoning Process" in the previous section).

The applicant must also ensure that if their land is subject to the regulations of the Agricultural Land Commission (ALC), that they have attained the necessary approvals from the Commission to permit the proposed subdivision. The Subdivision Approving Officer will not authorize a subdivision where the ALC's approval is necessary and has not been attained (see section in this Handbook on the "Agricultural Land Reserve").

5. Construction Drawings Approval

If the applicant decides to proceed with a subdivision approval application following the PLR, the applicant must hire a Professional Engineer to prepare engineering construction drawings that reflect the infrastructure requirements set out in the PLR. The drawings must be submitted to, and approved by, the City's Development Engineering Manager in the Works and Utilities Department prior to any construction occurring on the development site.

7. Servicing Agreement Executed & Security Received

If the applicant wishes to apply for Subdivision Approval before the servicing has been completed, the applicant must enter into a **Servicing Agreement** and deposit with the City a Security in the form of Performance and Maintenance Bonds. Performance Bonding involves the applicant depositing with the City a security equal to 140% of the estimated value of the servicing work to be completed. On the completion of the total work, the applicant's Professional Engineer is required to provide the City with "as constructed" drawings of the subdivision, and a certificate which states that the works were constructed in accordance with the plans and specifications. The Performance Bond, minus 5% of its total value (or \$1000 whichever is greater), is returned to the applicant at this point.

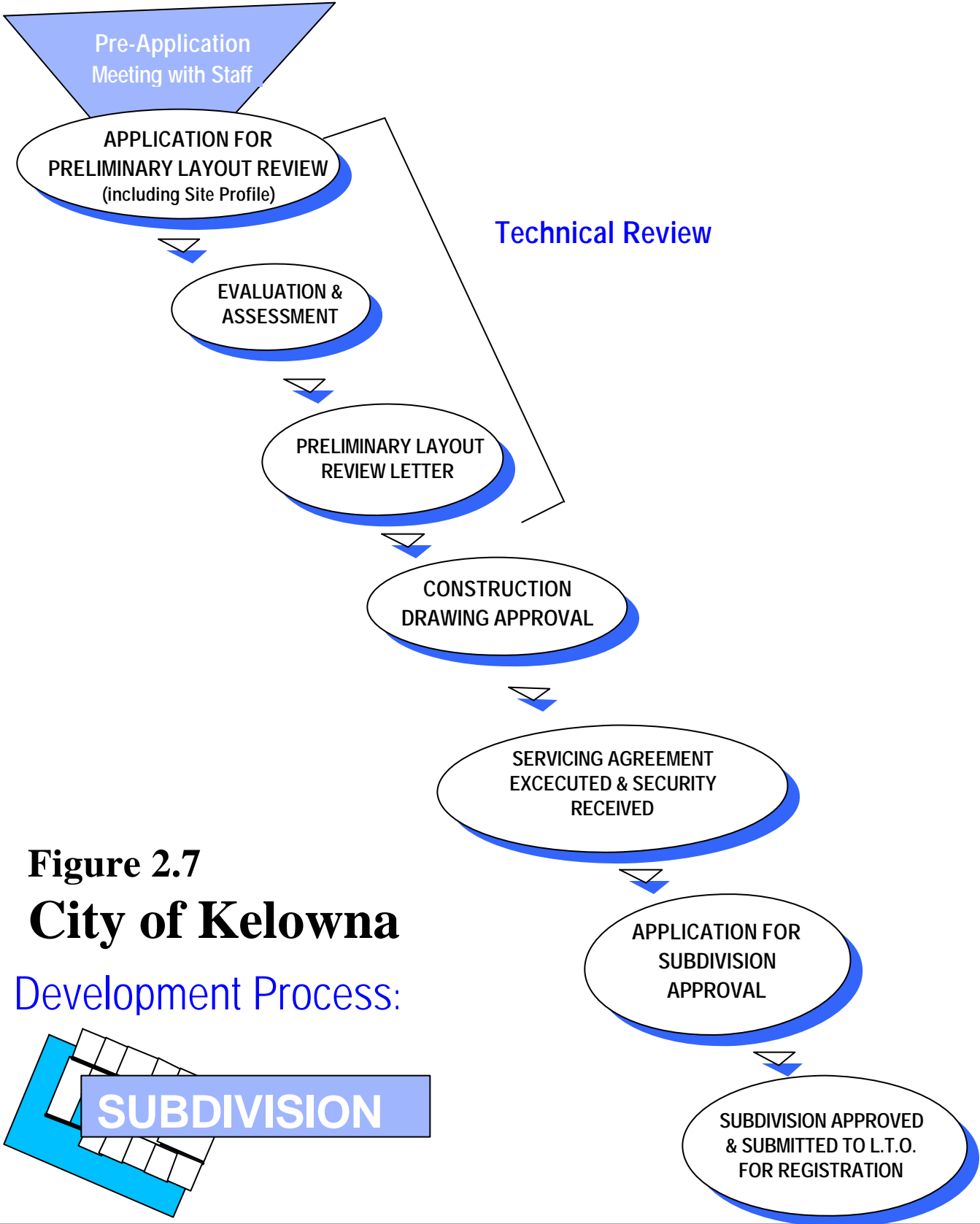
The 5% retained by the City is the Maintenance Bond. The bond is retained to cover any construction deficiencies that may have occurred or may arise in the year following completion. The Maintenance Bond is returned to the applicant, minus any costs incurred by the City, one year from the date that construction is completed.

8. Application for Subdivision Approval

The applicant may apply for Subdivision Approval once the works outlined in the engineering construction plans are completed. Subdivision Approval involves a request for the Subdivision Approving Officer to sign the legal plan of subdivision. The applicant must submit a complete "Application for Approval to Subdivide Land" and address the requirements outlined in the PLR letter.

9. Subdivision Approved & Submitted to the Land Title Office

Once the Subdivision Approving Officer signs the legal subdivision plan, the plan is submitted to the provincial Land Title Office in Kamloops. The Land Title Office then registers titles to the new parcels. Only when the new titles are registered may the lots be sold from one owner and the titles transferred to new owners.





What is a “Development Permit”?

Development Permits (DP) regulate the form and character of development, including building design, site planning, and landscape design. Kelowna’s Official Community Plan (OCP)¹² requires that a DP application be reviewed by staff and approved by City Council prior to any development or subdivision of land within a designated DP Area.

DP Areas have been established by the OCP for the following purposes:

- protection of the natural environment,
- protection of development from hazardous conditions,
- revitalization of areas where commercial uses are permitted, specifically the Urban Town Centres set out in the OCP, and
- to guide the form and character of commercial, industrial and multiple family development.

Map 06.2 in the OCP outlines the location of all of the DP Areas in the city.

Urban design guidelines have been established for the Rutland Town Centre Area, and are in the process of being prepared for the South Padosy/KLO and Downtown Urban Town Centres. Multiple family DP guidelines also exist for the North End and South Central Neighbourhoods. These guidelines represent the community consensus on issues related to form and character. Applications within DP Areas that do not have area specific guidelines, must follow the guidelines set out in the OCP.

Natural Environment/ Hazardous Condition DP applications must also follow the requirements and guidelines set out in the OCP.

Reference should be made to the Development Permit section of the OCP for more detail on areas where a DP is required and instances where a property owner is exempt from a DP.

¹² Available on the City web site (www.city.kelowna.bc.ca) – click **Official Community Plan**.

What is the Development Permit Process?

The process involved in attaining a DP approval is outlined below and opportunities for public input are highlighted. **Figure 2.12** at the end of this section outlines a flow chart of the DP process.

1. Pre-application Meeting with Staff

Prior to submitting an application, a landowner planning to develop a property will often meet with staff in the Planning and Development Services Department to determine the need for a DP. If it is determined that the landowner requires a DP, planning staff will give the landowner preliminary feedback on the proposal and outline information required for a complete application.

Depending on the nature of the DP application, planning staff may suggest that the applicant approach adjacent landowners, the area's Community Association, and any other individuals or groups that might be affected by the proposed development or subdivision of land.

Figure 2.8 outlines the advantages for the applicant of contacting the area's Community Associations early in the application process.

Figure 2.8: Pre-Application Contact with Community Associations

Although contacting the area's Community Association and / or the surrounding neighbourhood is at the discretion of the applicant, informal discussions between these parties prior to submitting an application have the following advantages for the developer:

- ✓ The fact that the applicant is asking for input before the application is submitted is often seen as a sign of "good faith." This helps to encourage an atmosphere of cooperation.
- ✓ The applicant can judge the level of support for, opposition to, the proposal and determine whether to invest additional resources in proceeding with the application.
- ✓ The applicant can take account of suggestions and revise proposed plans prior to submitting the application, frequently resulting in time and cost savings in the development review process.

2. Application for Development Permit

After a complete DP application has been submitted to the Planning and Development Services Department, it is referred to relevant City departments and other agencies for review and comments. Specific groups that may be affected (i.e. the Community Heritage Commission) may be asked, at the discretion of the Planning and Development Services Department, to review an application.

A DP application related to a site which has had activity occur for commercial gain must be accompanied by a Site Profile. The Site Profile outlines the commercial and industrial history of the property, and areas of potential concern related to hazardous substances, spillage of contaminants, fill materials, and or waste disposal.

3. Evaluation and Assessment

Planning staff will inspect the development site and review the application to evaluate its compliance with City and Provincial policies. The application is reviewed to ensure that it reflects the intent of the City's design guidelines applicable to that project, and that it is environmentally and technically sound. At this stage, discussions and negotiations may take place between staff and the applicant to address planning concerns arising from the internal review.

The Director of Planning and Development Services is authorized to issue certain types of direct DPs at this point in the process. These applications are generally those that are not related to form and character of the development, those where no residential development is adjacent to the subject property, or those that are consistent with approved development guidelines. Please refer to Planning and Development Services Department staff for the specific condition under which the Director is authorized to approve a direct DP.

In most circumstances, the Planning and Development Services Department is required to refer DP applications, that have not been considered by the Director, to the Advisory Planning Commission (APC). Applications for Commercial or Industrial DPs involving new development on previously developed sites, may be exempt from APC review under the following conditions:

- where development is consistent with the form and character of the existing development, and
- in the opinion of the Director of Planning and Development Services, the DP application does not have an impact on nearby residential uses.

Natural Environment/ Hazardous Condition DP applications are also exempt from review by the APC. These applications are circulated to various City departments and the Ministry of Water, Land and Air Protection (where necessary) to ensure protection of the natural feature and will be forwarded directly to Council for review.

4. Consideration by Advisory Planning Commission

The APC is an advisory committee of Council made up of nine members of the community. Council voluntarily established the Commission in 1992 to provide an avenue for the public to participate early in the planning process. The APC is the



primary means through which community associations and other members of the public may participate in the DP process. **No formal Public Hearing of Council is held in the review of DP applications.**



The APC reviews DP applications and hosts a **Public Meeting**. The public meeting is open to anyone wishing to comment on the application. At the meeting members of the public have the opportunity to represent their concerns and have some informal dialogue with the applicant.

Figure 2.9 outlines the APC Public Meeting notice requirements.



The public may **submit written comments** on a particular application to the Planning and Development Services Department. If this input is received a week prior to the APC meeting, it is included on the APC agenda and circulated to the members of the APC. Additional input received prior to the meeting is presented at the meeting by planning staff.

Considering the information learned at the public meeting, the APC will forward a recommendation to Council stating whether it supports the proposal, supports the proposal subject to conditions, or does not support the proposal.

Figure 2.9: Notification of APC Public Meetings

- newspaper advertisements in the Kelowna Daily Courier and the Capital News in the Friday and Sunday issues, 11 and 9 days in advance of the Tuesday Public Meeting;
- posting notice(s) of the application on the subject property, ten calendar days prior to the Public Meeting; and,
- notice of the application available at Planning and Development Services at City Hall, one week prior to the Public Meeting.

Once an application has been reviewed by the APC, and City and Provincial agencies, discussions and negotiations may take place between staff and the applicant to modify the proposal to account for planning concerns arising from the review.

5. Servicing Agreement Drafted

Once comments are received from the APC and the appropriate City and Provincial departments, it is often necessary to address infrastructure and road servicing matters that are essential to the proposed development. At this point, City staff outline for the applicant the infrastructure and road servicing improvements that will be required of the applicant as a result of the proposed development. The applicant will be required to address these matters prior to receiving a building permit for the proposed construction (see section of Building Permits in this Handbook).

6. Council Consideration

The application and the staff review - including the recommendations from the APC and other agencies - are forwarded to Council for their consideration. During Council consideration, planning staff review the DP application and Council has the opportunity ask questions.



Figure 2.10 outlines the public notification process for Council meetings to consider DP applications.

Figure 2.10: Notification of Council Meetings for Development Permit Applications

📄 signs posted on the property are updated to indicate the date of the Council meeting

7. Conditions of Approval / Development Permit Issued

Council may issue the DP by a resolution of Council or deny the DP. Permits issued by Council are typically subject to certain conditions. Conditions may include specific requirements related to landscaping, the siting of structures, and the form and character of structures. An approved DP is filed in the Land Title Office on the title of the property.

Shaw TV (Cable Channel 11) broadcasts Monday afternoon Council meetings for those who are not able or do not wish to attend the meetings. The Council Meetings broadcast schedule is outlined in **Figure 2.11**.

Figure 2.11: Regular Council Meetings Schedule

Regular Council meetings are held every Monday afternoon (except holidays), and are broadcast on Shaw Cable (Channel 11) as follows:

<u>Meeting Time</u>	<u>Broadcast Times</u>
Monday 1:30 p.m.	Wednesday 11:00 a.m.
	Saturday 11:00 a.m.
	Sunday 7:00 p.m.



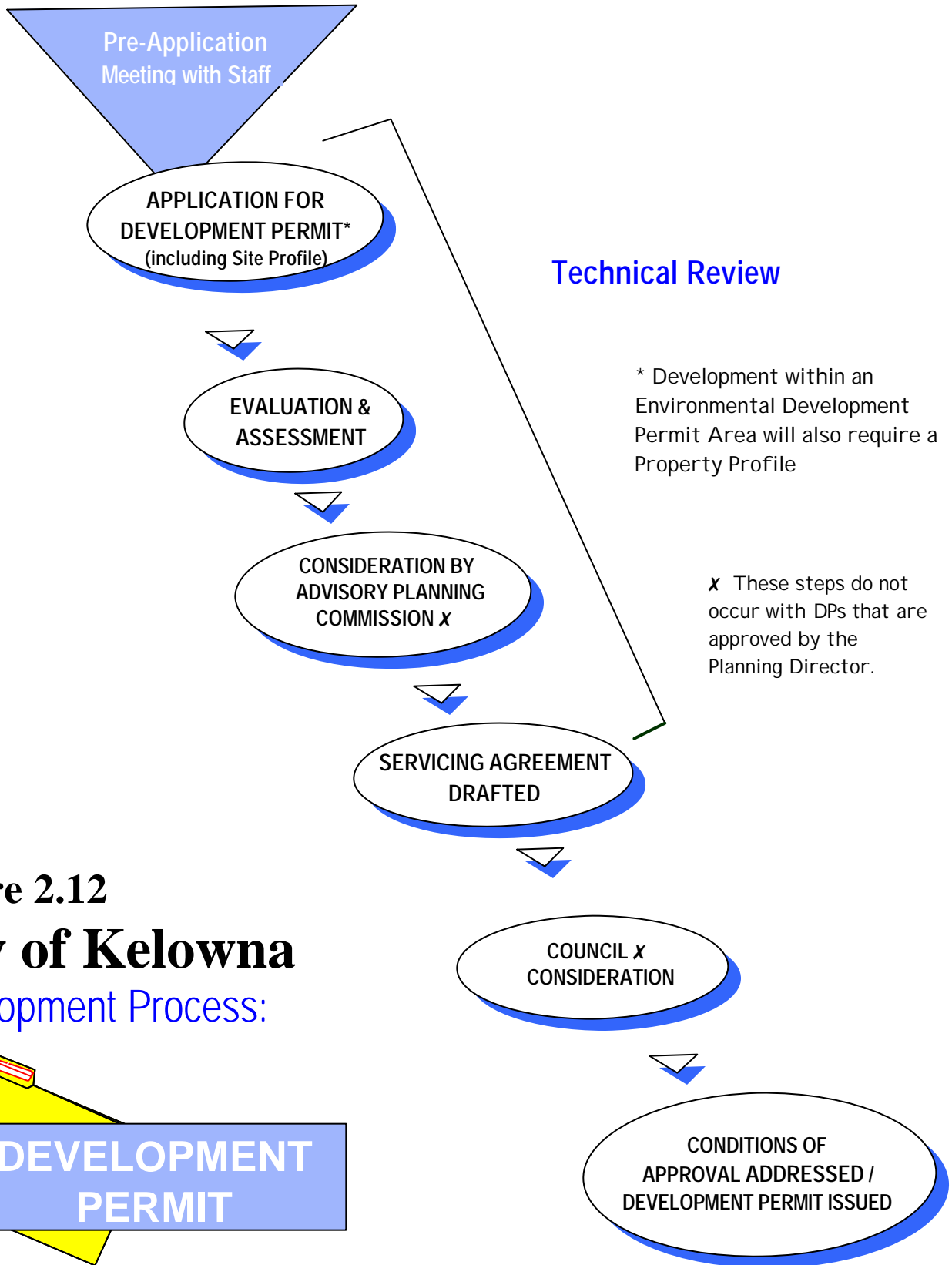


Figure 2.12
City of Kelowna
 Development Process:



What is a “Development Variance Permit”?

A Development Variance Permit (DVP) is necessary for development projects, exterior renovations, or additions to existing projects, where an application does not conform to the requirements of the City of Kelowna Zoning Bylaw¹³, Sign Bylaw¹⁴, and, or the Subdivision and Development Servicing Bylaw¹⁵. A person may apply for a DVP to vary any of the requirements of these bylaws except the land use permitted, the density of development on the land, or the flood plain specifications of the bylaw.

What is the Development Variance Permit Process?

The process involved in applying for a DVP is outlined below and opportunities for public input are highlighted. **Figure 2.17** at the end of this section outlines a flow chart of the DVP process.

1. Pre-application Meeting with Staff

Prior to submitting an application, a landowner will often meet with staff in the Planning and Development Services Department to determine the need for a DVP. Planning staff will give the landowner preliminary feedback on the proposal and outline information required for a complete application.

Depending on the nature of the application, planning staff may suggest that the applicant approach adjacent residents, the area's Community Association and any other individual or group that may be affected by the proposed development. **Figure 2.13** outlines the advantages to the applicant of contacting the area's Community Associations early in the application process.

¹³ Available on the City web site (www.city.kelowna.bc.ca) – click **Bylaws** then **Zoning Bylaw No. 8000**.

¹⁴ Available on the City web site (www.city.kelowna.bc.ca) – click **Bylaws** then **Sign Bylaw No. 8235**.

¹⁵ Available on the City web site (www.city.kelowna.bc.ca) – click **Bylaws** then **Subdivision, Development and Servicing Bylaw No. 7900**.

Figure 2.13: Pre-Application Contact with Community Associations

Although contacting the area's Community Association and/or the surrounding neighbourhood is at the discretion of the applicant, informal discussions between these parties prior to submitting an application have the following advantages for the applicant:

- ✓ The fact that the applicant is asking for input before the application is submitted is often seen as a sign of "good faith". This helps to encourage an atmosphere of cooperation.
- ✓ The applicant can judge the level of support for, or opposition to, the proposal and determine whether to invest additional resources in proceeding with the application.
- ✓ The applicant can take account of suggestions and revise proposed plans prior to submitting the application, frequently resulting in time and cost savings in the development review process.

1. Application for a Development Variance Permit

Once a complete DVP application has been submitted to the Planning and Development Services Department, it is referred to the relevant City departments and Provincial agencies for review and comment. Specific groups that may be affected by a DVP application (i.e. a Business Revitalization Committee or the Community Heritage Commission) may be asked, at the discretion of the Planning and Development Services Department, to review the application.

A DVP application related to a site which has had activity occur for commercial gain must be accompanied by a Site Profile. The Site Profile outlines the commercial and industrial history of the property, and areas of potential concern related to hazardous substances, spillage of contaminants, fill materials, and or waste disposal.

3. Evaluation and Assessment

Planning staff will inspect the development site and review the DVP application to evaluate its compliance with City and Provincial policies. The impact of the variance is also assessed to ensure that it does not authorize development that is significantly different in form and character from the established surroundings.

At this stage, discussions and negotiations may take place between staff and the applicant to address planning concerns arising from the internal review.

4. Consideration by the Advisory Planning Commission

The Planning and Development Services Department is required to refer DVP applications to the Advisory Planning Commission (APC). The APC is an advisory committee of Council made up of nine members of the community. Council voluntarily established the Commission in 1992 to provide an avenue for the public to participate early in the planning process.



The APC is the primary means through which community associations and other members of the public may participate in the DVP process. The APC reviews DVP applications and hosts a Public Meeting. The Public Meeting is open to anyone who would like to comment on the application. At the meeting, members of the public have the opportunity to represent their concerns and have some informal dialogue with the applicant.



Figure 2.14 outlines the APC Public Meeting notice requirements.

The public may submit written comments on a particular application to the Planning and Development Services Department. If this input is received a week prior to the APC meeting, it is included on the APC agenda and circulated to the members of the APC. Additional input received prior to the meeting is presented at the meeting by planning staff.

Considering the information learned at the public meeting, the APC will forward a recommendation to Council stating whether it supports the proposal, supports the proposal subject to conditions, or does not support the proposal.

DVP applications may be exempt from review of the APC where the Director of Planning and Development Services Department determines the requested variance from the Zoning Bylaw is minor in nature.

Figure 2.14: Notification of APC Public Meetings

- ☐ newspaper advertisements in the Kelowna Daily Courier and the Capital News in the Friday and Sunday issues, 11 and 9 days in advance of the Tuesday Public Meeting;
- ☐ posting notice(s) of the application on the subject property, ten calendar days prior to the Public Meeting; and,
- ☐ notice of the application available at Planning and Development Services at City Hall, one week prior to the Public Meeting.

5. Council Consideration

The application and the staff report - including the recommendations of the APC and other agencies - are forwarded to Council for consideration. During Council consideration, planning staff review the application and Council has the opportunity to ask questions.

Council may approve the DVP by resolution, deny the DVP, or approve the DVP subject to conditions. An approved DVP is filed in the Land Title Office on the title of the subject property.

Figure 2.15 outlines the public notification of Council Meetings for DVP.

Shaw TV (Cable Channel 11) re-broadcasts Monday afternoon Council meetings for those who are not able or do not wish to attend the meetings.

Figure 2.16 outlines the Shaw Cable Broadcast Schedule for Council Meetings.

Figure 2.15: Notification of Council Meetings for DVP Applications

- ☐ Notices are mailed or delivered to owners/occupants within 30 meters of the property, at least 10 days before Council consideration.
- ☐ Signs are posted on the property indicating the date of Council consideration.

Figure 2.16: Regular Council Meeting Schedule

Regular Council meetings are held every Monday afternoon (except holidays), and are broadcast on Shaw Cable (Channel 11) as follows:

<u>Meeting Time</u>	<u>Broadcast Times</u>
Monday 1:30 p.m.	Wednesday 11:00 a.m.
	Saturday 11:00 a.m.
	Sunday 7:00 p.m.

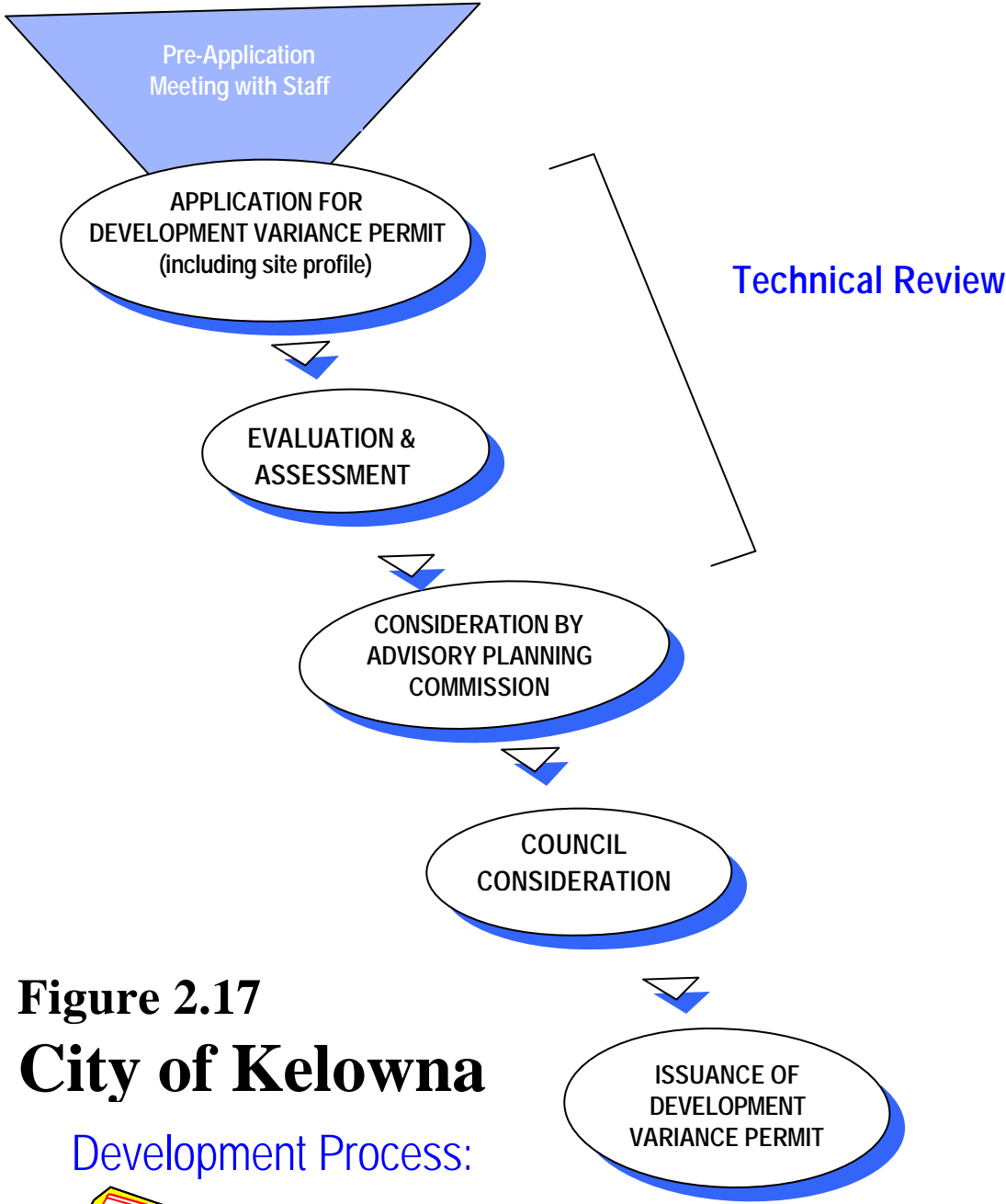


Figure 2.17
City of Kelowna

Development Process:





What is a Heritage Revitalization Agreement?

Under Section 966 of the Local Government Act¹⁶, owners may apply to the City of Kelowna to alter the density and/or use allowed on a property that has been identified by the City of Kelowna as having heritage value. The purpose of a Heritage Revitalization Agreement is to aid in the preservation of heritage properties by allowing them to be used for purposes that would not otherwise be allowed. Within a residential neighbourhood, these uses do not go beyond what would normally be permitted in the zone. The scale of the use can be expanded through the HRA. On major roads, a wider range of uses can be considered. The additional revenues obtained from these "*adaptive re-uses*" can then be used to help restore and maintain a heritage building. In turn, the conservation of Kelowna's built heritage benefits the community in many ways.

A Heritage Revitalization Agreement is a voluntary, written agreement negotiated by the City of Kelowna and the owner of a heritage property. The agreement outlines the duties, obligation and benefits negotiated by both parties. A Heritage Revitalization Agreement must be registered in the Land Titles Office against the subject property if approved by Municipal Council, and would carry forward with the land.

A Heritage Revitalization Agreement must be amended by bylaw with the consent of the owner and the City of Kelowna if a change in the agreed use or density is proposed.

If the proposed amendments affects another condition of the agreement or an alteration to the appearance of the heritage property, the amendment may be dealt with through the submission of a Heritage Alteration Permit.

The City of Kelowna has established adaptive re-use guidelines for heritage buildings. The guidelines are intended to provide direction for City staff in reviewing an HRA proposal, and for a heritage property owner in terms of what may or may not be considered an appropriate adaptive re-use. Copies of the guidelines are available on the City web site (www.city.kelowna.bc.ca) or at City Hall.

¹⁶ Available on the Provincial Government web site (www.gov.bc.ca)

What is the Heritage Revitalization Agreement Process?

The process involved in approving an HRA proposal is outlined below and opportunities for public input are highlighted. **Figure 2.22** at the end of this section outlines a flow chart of the HRA process.

1. Pre-application Meeting with Staff

Heritage property owners are encouraged to meet with staff in the Planning and Development Services Department prior to submitting an application for an HRA. The terms and conditions of HRAs can vary considerably from one agreement to the next. It is important that the property owner have a clear understanding of the intent of HRAs, the HRA process, and the information required for a complete application.

Planning staff may recommend that the landowner discuss his or her plans with the surrounding residents, the area's Community Association, and any other individual or group that might be affected by the proposed agreement. **Figure 2.18** outlines advantages to the applicant of making contact with area Community Associations early in the application process.

Figure 2.18: Pre-Application Contact with Community Associations

Although contacting the area's Community Association and/or the surrounding neighbourhood is at the discretion of the applicant, informal discussions between these parties prior to submitting an application have the following advantages for the applicant:

- ✓ The fact that the applicant is asking for input before the application is submitted, is often seen as a sign of "good faith." This helps to encourage an atmosphere of cooperation.
- ✓ The applicant can judge the level of support for, or opposition to, the proposal and determine whether to invest additional resources in proceeding with the application.
- ✓ The applicant can take account of suggestions and revise proposed plans prior to submitting the application, frequently resulting in time and cost savings in the development review process.

2. Application for a Heritage Revitalization Agreement

Once an application has been submitted to the Planning and Development Services Department, the application is referred to the relevant City departments (i.e. the City of Kelowna Works and Utilities Department), and Provincial Agencies (i.e. the Ministry of Transportation) for their review and comment. Specific groups that may be affected, may be asked at the discretion of the Planning and Development Services Department, to review an application.

The Community Heritage Commission (CHC) routinely reviews HRA applications. The Commission is a Council-appointed committee that assists Council with the management and implementation of community heritage planning on an ongoing basis.

An HRA application related to a site which has had activity occur for commercial gain must be accompanied by a Site Profile. The Site Profile outlines the commercial and industrial history of the property, and areas of potential concern related to hazardous substances, spillage of contaminants, fill materials, and or waste disposal.

3. Evaluation and Assessment

Planning staff will inspect the site of the proposed HRA and review the application to evaluate its compliance with the policies and objectives of the Official Community Plan (OCP)¹⁷ and City bylaws. The OCP includes a Heritage Chapter that outlines the community's policies and objectives relating to heritage resources.

The approval of an HRA application may result in a change to the use of the property or the density of development on the site. Planning staff therefore, pay particular attention to assessing the potential impact of the proposal on adjacent residents and the surrounding neighbourhood.

Discussions and negotiations may take place between staff and the applicant to address planning concerns arising from the internal review.

4. Consideration by the Advisory Planning Commission

The Planning and Development Services Department is required to refer the majority of HRA applications to the Advisory Planning Commission (APC).

The APC is an advisory committee of Council made up of nine members of the community. Council voluntarily established the Commission in 1992 to provide an avenue for the public to participate early in the planning process.

The APC reviews HRA applications and hosts a **Public Meeting**. The public meeting is open to anyone wishing to comment on the application. At the meeting members of the public have the opportunity to represent their concerns and have some informal dialogue with the applicant.



Figure 2.19 outlines APC Public Meeting notice requirements.

Figure 2.19: Notification of APC Public Meetings

- 📄 newspaper advertisements in the Kelowna Daily Courier and the Capital News in the Friday and Sunday issues, 11 and 9 days in advance of the Tuesday Public Meeting;
- 📄 posting notice(s) of the application on the subject property, ten calendar days prior to the Public Meeting; and,
- 📄 notice of the application available at Planning and Development Services at City Hall, one week prior to the Public Meeting.



¹⁷ Available on the City web site (www.city.kelowna.bc.ca) – click **Official Community Plan**.

The public may **submit written comments** in relation to a particular application to the Planning and Development Services or Clerks Departments. If this input is received a week prior to the APC meeting, it is included on the APC agenda. All other written input received prior to the meeting will be presented at the meeting by planning staff.



Considering the information learned at the public meeting, the APC will forward a recommendation to Council stating whether it supports the proposal, supports the proposal subject to conditions, or does not support the proposal.

5. Consideration by the Community Heritage Commission

The Community Heritage Commission (CHC) routinely reviews applications for HRAs. The Commission is made up of one Councillor, one member of the Kelowna Centennial Museum, Central Okanagan Heritage Society, Okanagan Historical Society and four city-at-large members. The Commission comments on the terms of HRAs and assists Council with the management and implementation of community heritage planning on an ongoing basis.

After the internal review, discussions and negotiations often take place between staff and the applicant to take into account of concerns arising from staff or the Community Heritage Commission.

6. Heritage Revitalization Agreement Sent to Applicant

Once comments are received from the APC and the appropriate City and Provincial departments, it is often necessary to address infrastructure and road servicing matters that are essential to the proposed development. At this point, City staff outline for the applicant the improvements that will be required of the applicant as a result of the proposed development. These improvements are then included as part of the HAR.

7. Heritage Revitalization Agreement Signed & Security Posted

The applicant must also post a security with the City as part of the HRA to ensure that if the agreement is approved by Council, the applicant completes all the infrastructure and road servicing improvements outlined in the application. This money is held in trust by the City and returned with interest if Council defeats the application at Fourth Reading, or the work outlined in the Servicing Agreement is completed by the applicant.

8. Initial Consideration by Council

The application and the staff report - including recommendations of the CHC, APC, and other agencies - are forwarded to Council for initial consideration. During initial consideration, planning staff review the report for Council and Council has the opportunity to ask questions regarding the application. Members of the public may attend this meeting but are not afforded the opportunity to ask questions or make presentations until the Public Hearing of the Council (see point "9" below).

Following initial consideration, the City Clerk prepares a bylaw, reflecting the applicant's proposal. The bylaw is presented at a later Council meeting for First Reading. **Figure 2.20** outlines the broadcast schedule for Council meetings.

8. First Reading

The City Clerk will introduce to Council the bylaw for discussion and debate at a regular meeting of Council. If Council deems the bylaw worthy of further consideration, they will give the bylaw "First Reading" by a majority vote. If the application involves a variance to a City bylaw, the HRA is forwarded to a Public Hearing of Council.

Figure 2.20: Regular Council Meeting Schedule
Regular Council meetings are held every Monday afternoon (except holidays), and are broadcast on Shaw Cable (Channel 11) as follows:

<u>Meeting Time</u>	<u>Broadcast Times</u>
Monday 1:30 p.m.	Wednesday 11:00 a.m.
	Saturday 11:00 a.m.
	Sunday 7:00 p.m.

9. Public Hearing of Council

Where a Public Hearing is required, anyone who believes that their interest in property is affected by an HRA may attend the Hearing and present their written or verbal submissions to Council. Written submission regarding the application are accepted by the Clerk's Department prior to the Public Hearing. **Figure 2.21** outlines the notification process for Public Hearings.

Figure 2.21: Notification of Council Public Hearings

- ☐ newspaper advertisements are posted in the Kelowna Daily Courier in the Monday and Tuesday issues, and in the Capital News in the Sunday issue, a week before the Public Hearing;
- ☐ letters are sent or hand delivered, at least 10 days before the Public Hearing, to owners and tenants of property within a distance of 300 feet or 100 meters of the site the proposed rezoning application is related to, outlining the application, and the timing and rules of the Public Hearing; and,
- ☐ 10 days prior to the Public Hearing, notices on the site are updated to include the date of the Public Hearing.

Following the conclusion of the Public Hearing, Council will consider the recommendations of the APC, City staff, and information received at the Public Hearing. They may then give the application a Second and Third Reading if they deem the bylaw worthy of further consideration. If second or third reading are not granted, the bylaw is not forward to Fourth Reading and "dies" as a result.

10. Fourth Reading – "Final Adoption"

Final adoption may be withheld for a variety of conditions (i.e. absence of a Servicing Agreement, Ministry of Transportation approval, road reservation, legal fees, or technical conditions). Once all requirements are met, planning staff forward a supplementary report to Council requesting the final adoption of the bylaw. During the Fourth Reading, Council again has the opportunity to adopt, defeat, or alter and then adopt the bylaw. If Council has approved the application, the HRA will be executed by the Mayor and City Clerk and registered on the title of the property in the Land Title Office in Kamloops.

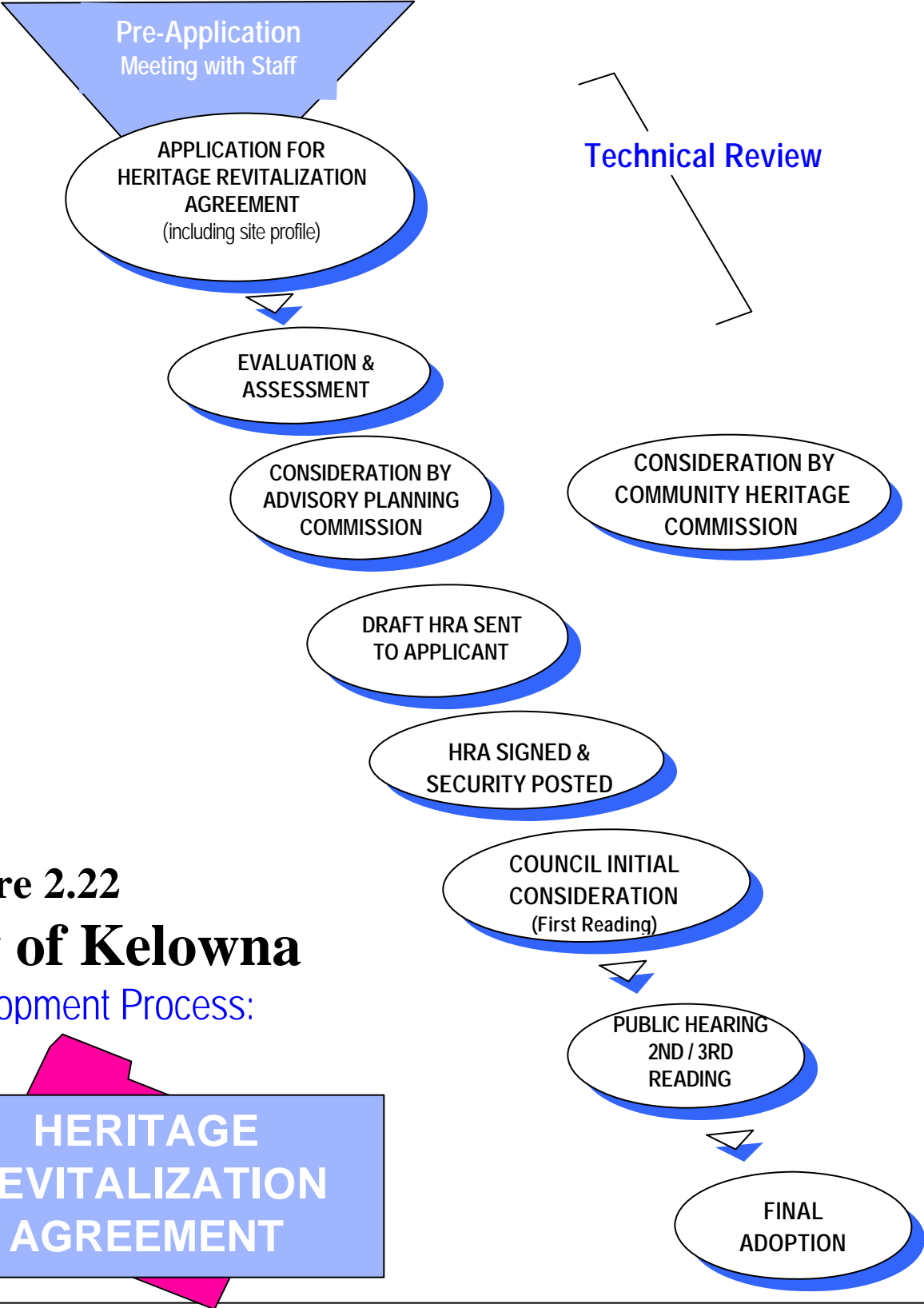


Figure 2.22
City of Kelowna
 Development Process:





What is a Heritage Alteration Permit

Through a Heritage Alteration Permit (HAP), the City of Kelowna may authorize an owner of a heritage property to make changes to the property. Depending on the type of change proposed, owners of heritage property can apply for a Heritage Alteration Permit that can be approved by either City Council or the Director of Planning and Development Services.

Heritage Alteration Permits Approved by Council

For a property that has already been the subject of a Heritage Revitalization Agreement, a Heritage Designation Bylaw or a Heritage Conservation Covenant, an HAP is required when an applicant proposes structural additions to a building on the property.

For properties located within a Heritage Conservation Area, an HAP is required when an owner proposes to vary the provisions of the City's Zoning Bylaw¹⁸ in order to structurally alter an existing building or build a new one.

The above-noted HAPs can only be approved by the City Council.

Heritage Alteration Permits Approved by the Director of Planning and Development Services

For a property that has already been the subject of a Heritage Revitalization Agreement, a Heritage Designation Bylaw or a Heritage Conservation Covenant, an HAP is required if the owner seeks to make non-structural alterations to the heritage building or site. Such alterations may take the form of a replaced window, a new door, roof repairs or alterations to exterior finishes.

For properties located within a Heritage Conservation Area, an HAP is required when an owner proposes to make structural changes to the exterior of an existing building or to construct a new building.

The above-noted HAPs can be approved by the Director of Planning and Development Services.

¹⁸ Available on the City web site (www.city.kelowna.bc.ca) – click **Bylaws** then **Zoning Bylaw No. 8000**

What is the process for approving an HAP?

The process involved in applying for a Major or Minor HAP is outlined below and opportunities for public input are highlighted. **Figures 2.27 and 2.28** at the end of this section outline flow charts for the HAP process.

6. Pre-application Meeting with Staff

Landowners whose property has been the subject of a HRA (see previous section), is Municipally Designated as a Heritage Site, or is within a Heritage Conservation Area, are encouraged to meet with staff in the Planning and Development Services Department prior undertaking exterior alterations of any kind. During the pre-application consultation, planning staff can determine the need for an HAP, and set out the requirements for the application.

Depending on the nature of the application, planning staff may recommend that the applicant discuss his or her plans with adjacent residents, the area's Community Association, and any other individuals or groups that may be affected by the proposal. **Figure 2.23** outlines the advantages to the applicant of contacting Community Associations early in the application process.

7. Application for a Heritage Alteration Permit

Figure 2.23: Pre-Application Contact with Residents Associations

Although contacting the area's Community Association and/or the surrounding neighbourhood is at the discretion of the applicant, informal discussions between these parties prior to submitting an application have the following advantages for the applicant:

- ✓ The fact that the applicant is asking for input before the application is submitted is often seen as a sign of "good faith". This helps to encourage an atmosphere of cooperation.
- ✓ The applicant can judge the level of support for, or opposition to, the proposal and determine whether to invest additional resources in proceeding with the application.
- ✓ The applicant can take account of suggestions and revise proposed plans prior to submitting the application, frequently resulting in time and cost savings in the development review process.

Once an application has been submitted to the Planning and Development Services Department, the application is referred to the relevant City departments for their review and comment. Specific groups that may be affected, may be asked, at the discretion of the Planning and Development Services Department, to review an application.

An HAP application related to a site which has had activity occur for commercial gain must be accompanied by a Site Profile. The Site Profile outlines the commercial and industrial history of the property, and areas of potential concern related to hazardous substances, spillage of contaminants, fill materials, and or waste disposal.

8. Evaluation and Assessment

Planning staff will inspect the site the application relates to and review the application to evaluate its compliance with Heritage policies and objectives outlined in the Official Community Plan (OCP)¹⁹ and relevant City bylaws.

9. Consideration by the Advisory Planning Commission

The APC is an advisory committee of Council made up of nine members of the community. Council voluntarily established the Commission in 1992 to provide an avenue for the public to participate early in the planning process.



The APC reviews HAP applications and hosts a **Public Meeting**. The public meeting is open to anyone wishing to comment on the application. At the meeting members of the public have the opportunity to represent their concerns and have some informal dialogue with the applicant. **Figure 2.24** outlines the APC Public Meeting notice requirements.

Figure 2.24: Notification of APC Public Meetings

- newspaper advertisements in the Kelowna Daily Courier and the Capital News in the Friday and Sunday issues, 11 and 9 days in advance of the Tuesday Public Meeting;
- posting notice(s) of the application on the subject property, ten calendar days prior to the Public Meeting; and,
- notice of the application available at Planning and Development Services at City Hall, one week prior to the Public Meeting.



The public may **submit written comments** in relation to a particular application to the Planning and Development Services or Clerk's Departments. If this input is received a week prior to the APC meeting, it is included on the APC agenda. All other written input received prior to the meeting will be presented at the meeting by planning staff. Considering the information learned at the public meeting, the APC will forward a recommendation to Council stating whether it supports the proposal, supports the proposal subject to conditions, or does not support the proposal.

10. Consideration by the Community Heritage Commission

The Community Heritage Commission (CHC) routinely reviews applications for HAPs. The Commission is made up of one Councillor, one member of the Kelowna Centennial Museum, Central Okanagan Heritage Society, Okanagan Historical Society and four city-at-large members. The Commission comments on the terms of HAPs and assists Council with the management and implementation of community heritage planning on an ongoing basis.

After the internal review, discussions and negotiations often take place between staff and the applicant to take into account of concerns arising from staff or the Community Heritage Commission.

¹⁹ Available on the City web site (www.city.kelowna.bc.ca) – click **Official Community Plan**.

11. Council Consideration

The HAP application and the staff report - including recommendations of the CHC, the APC and other agencies - are forwarded to Council for their consideration. During Council consideration, planning staff review the application and Council has the opportunity to ask questions.

Figure 2.25 outlines the public notification process for Council Meetings.

Figure 2.25: Notification of Council Meetings for HAP applications

- ☐ Notices are mailed or delivered to owners/occupants within 30 meters of the property, at least 10 days before Council consideration.
- ☐ Signs are posted on the property indicating the date of Council consideration.



12. Issuance of Heritage Alteration Permit

Council may approve the HAP by resolution, deny the HAP, or approve the HAP subject to certain conditions. An approved HAP is filed in the Land Title Office on the title of the subject property.

No Public Hearing of Council is held for HAP applications.

Shaw TV (Cable Channel 11) re-broadcasts Monday afternoon Council meetings for those who are not able or do not wish to attend the meetings. **Figure 2.26** outlines the Shaw Cable broadcast schedule for Council Meetings.



Figure 2.26: Regular Council Meeting Schedule

Regular Council meetings are held every Monday afternoon (except holidays), and are broadcast on Shaw Cable (Channel 11) as follows:

<u>Meeting Time</u>	<u>Broadcast Times</u>
Monday 1:30 p.m.	Wednesday 11:00 a.m. Saturday 11:00 a.m. Sunday 7:00 p.m.

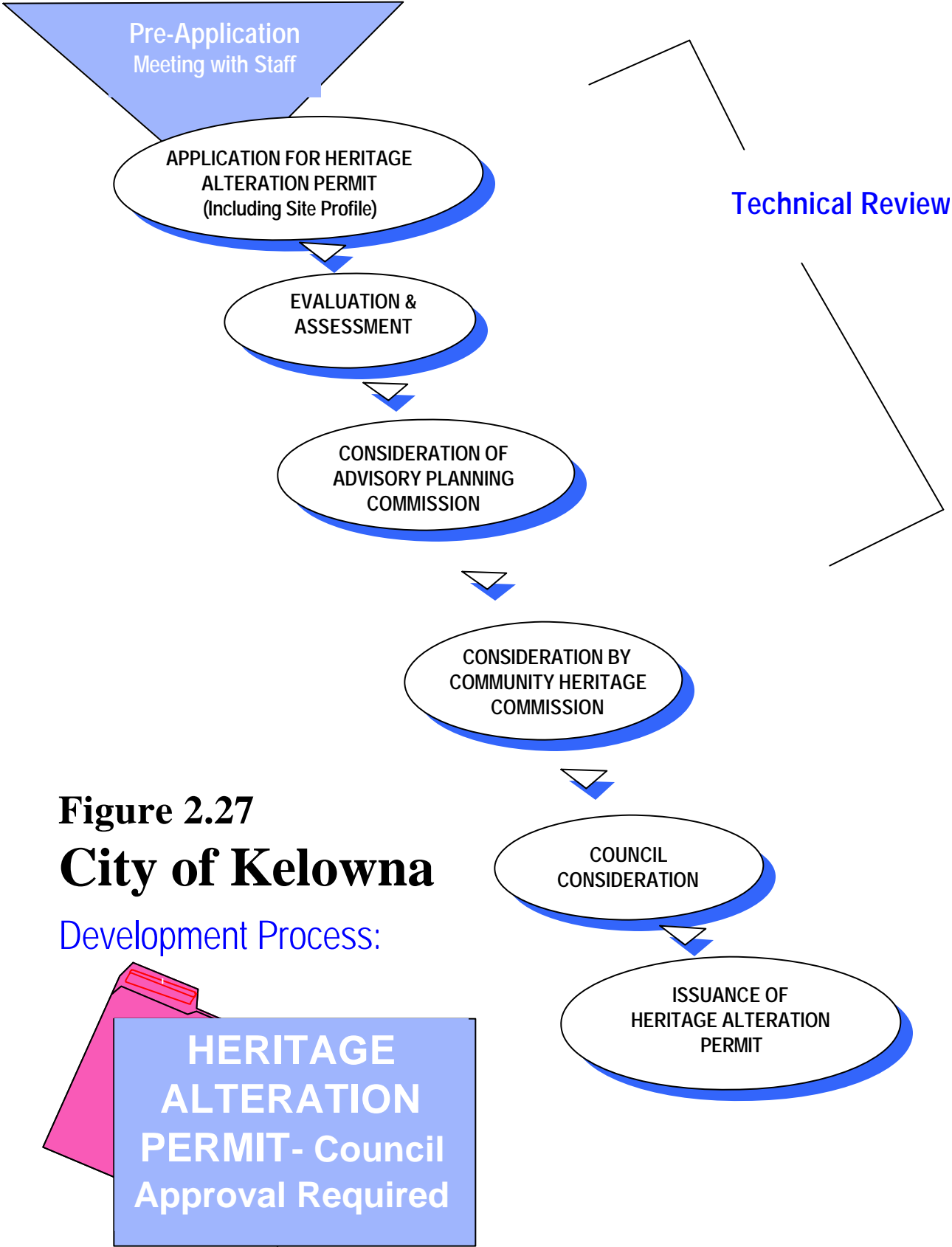


Figure 2.27
City of Kelowna

Development Process:

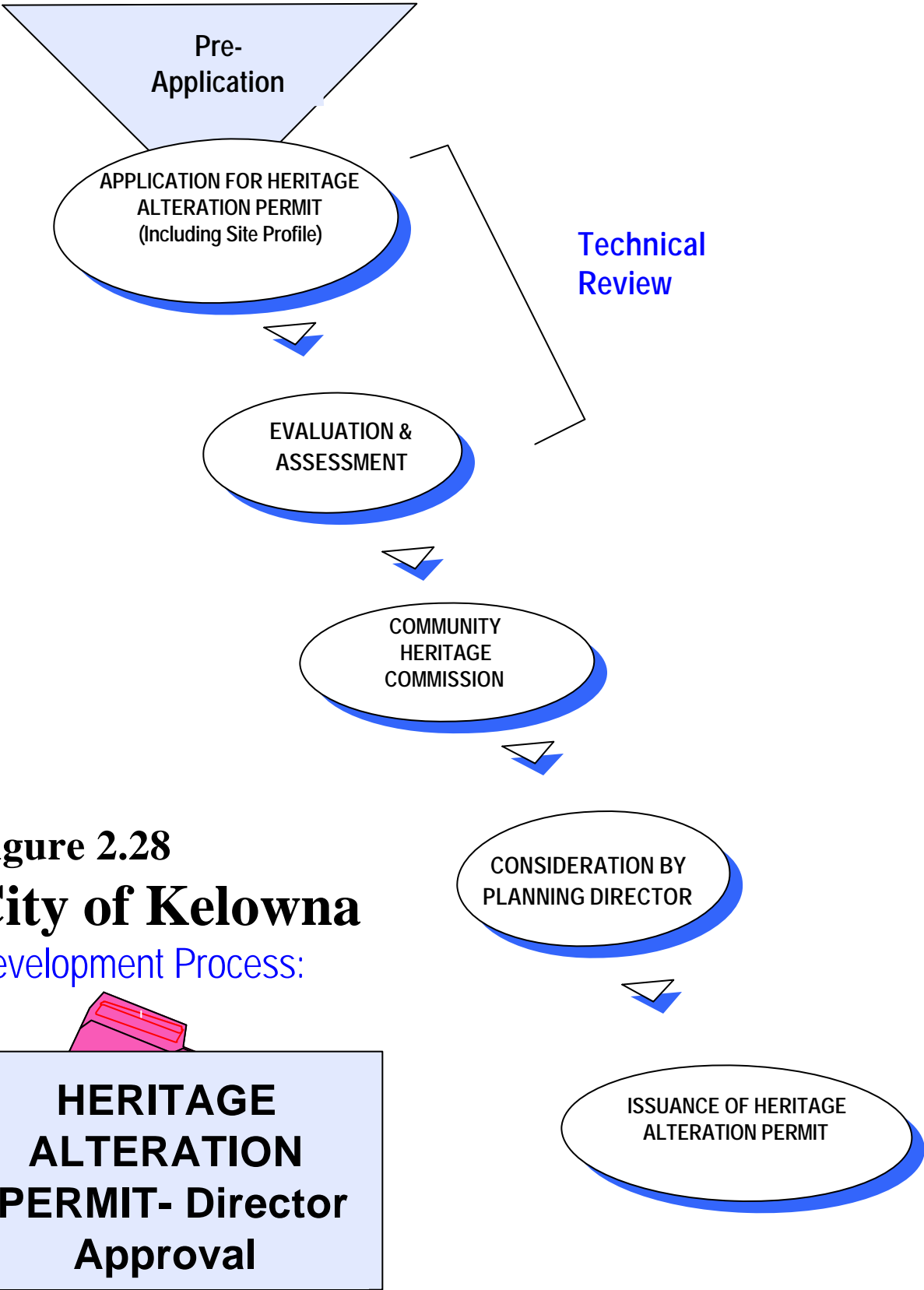


Figure 2.28
City of Kelowna
Development Process:

HERITAGE ALTERATION PERMIT- Director Approval



What is the Agricultural Land Reserve?

The Agricultural Land Reserve (ALR) can be thought of as a provincial agricultural zone that takes precedence over municipal land use zones and regulations. The ALR includes both private and public land that may be thousands of hectares in size or only a few hectares.

Approximately 9,100 hectares of land within the boundaries of the City of Kelowna, are within the ALR. This is approximately 43% of the total land base of the city. The City's Planning and Development Services Department has a set of ALR boundary maps that are available for public viewing.

The regulation of land within the ALR is governed by the Provincial Agricultural Land Commission (ALC) as authorized by the ALC Act of the Provincial Legislature²⁰. The ALC Act prohibits the use of ALR land for purposes other than farm use except where the Act or associated regulations permit otherwise.

The subdivision of land, the movement of soil, and depositing of fill in the ALR are also restricted by the ALC. Application procedures for attaining a permit to move soil or deposit fill on ALR lands are not addressed below. Questions regarding these permitting procedures can be directed to the City of Kelowna Planning and Development Services Department.

What is the Process for making an ALR Application?

The process involved in making an ALR application is outlined below. **Figure 2.30** at the end of this section outlines the ALR application process.

1. Pre-Application Meeting with Staff

Prior to submitting an application, landowners with property in the ALR are encouraged to consult with staff in the City of Kelowna Planning Department. Planning staff who are knowledgeable about local and provincial government policies related to the preservation of agricultural land can indicate what type of application needs to be submitted by the landowner.

²⁰ Available on the Provincial Government web site (www.gov.bc.ca).

There are four types of applications that an owner of land in the ALR may choose to make. A landowner can apply:

- ⇒ to exclude land from the regulations of the ALC,
- ⇒ to include land into the ALR,
- ⇒ to subdivide or use land for non-farm purposes within the ALR (application for exemption), or
- ⇒ for a Special Case subdivision or non-farm use of land in the ALR.

2. Application for ALR Appeal

With the exception of Special Case application, all applications that relate to the ALR must be submitted to the City of Kelowna Planning and Development Services Department. Special Case applications address requests for non farm uses and subdivisions of ALR land that have been identified by the ALC as not likely to have significant effects on the use of the land (or surrounding lands) for farm purposes. These applications are received by ALC without review by City staff or Council (see point 6).

A landowner submitting an application to the City of Kelowna Planning Department to exclude land from the ALR, must ensure that the public has been notified of their intentions. Proof that the notice requirements have been fulfilled must be submitted to the Planning Department in conjunction with the application form.

Figure 2.29: Notice of Application for ALR Exclusion

Notice must be published, posted and served at least 14 days prior to the local government acting on the application. The applicant must:

- 📄 advertise on two separate occasions not less than 7 or more than 14 days apart, in a local newspaper in general circulation;
- 📄 serve a signed copy of the application and the notice to all registered owners of land in the ALR that share a common boundary with the property under application, including owners of property separated by a public road; and
- 📄 post a sign on the land.



Figure 2.29 outlines the public notice requirements for exclusion applications.

3. Evaluation and Assessment

After the City receives an ALR application, Planning staff will inspect the site the application relates to and review the application to evaluate its compliance with City and Provincial policies. Current land uses and OCP future land use designations of the site and the surrounding properties are reviewed to determine the compatibility of the proposal with surrounding lands. A Sector Plan related to that area, and the Agriculture Plan may also provide information on the compatibility of the proposal with the City's long term objectives for the area.

The application is also referred to the City of Kelowna Agricultural Advisory Committee for their review and comment.

4. Consideration by the Agricultural Advisory Committee

The Agricultural Advisory Committee (AAC) is an advisory committee of Council whose role is to review and comment on all ALC applications and any development applications that are within 100 meters of land in the ALR. Specific issues considered by the AAC are the potential impacts of a proposal on the agricultural potential of the site and the agricultural potential of the surrounding properties, as well as the potential impact on the water resources and the traffic volumes in the area.

5. Council Consideration

The recommendations of planning staff and the AAC are forwarded to Council. Planning staff will present the application to Council and Council will make a motion that may or may not recommend the application be forwarded to ALC.

A motion by Council to recommend the application be forwarded to the ALC does not authorize the applicant to proceed with the proposed work or change of land use. The approval of the ALC must be attained prior to any action being taken in relation to the terms of the application.

6. Provincial ALC Receives Application

Comments and recommendations of planning staff, the AAC, and City Council are included in a report and submitted by planning staff to the ALC. Only those who are applying for an exclusion from the ALR will have their proposal reviewed at a **Special Hearing** held by the ALC.

If the application is for a non-farm use, inclusion, subdivision, or is a Special Case application, a special hearing is not held and the ALC decides on the application on the basis of the written documentation submitted.

The ALC may defer the application if they feel additional information is required for them to make decisions. On-site viewing or inspection may be required or the ALC may want to circulate the application to specific provincial agencies for comments and recommendations.

7. Commission Consideration

In making a decision on an application, the Commission reviews the variables that it considers relevant to the application and weighs the potential impact of the proposal against the long-term goal of preserving agricultural land. The Commission begins by looking at the specific property. The Commission then considers the proposal in relation to surrounding lands, related agricultural concerns, community planning objectives, and the provincial interest.

The Commission, the applicant, or any person affected by the Commission's decision, may request that the Commission reconsider a decision if there is new information not previously considered or if the information was in error or false.



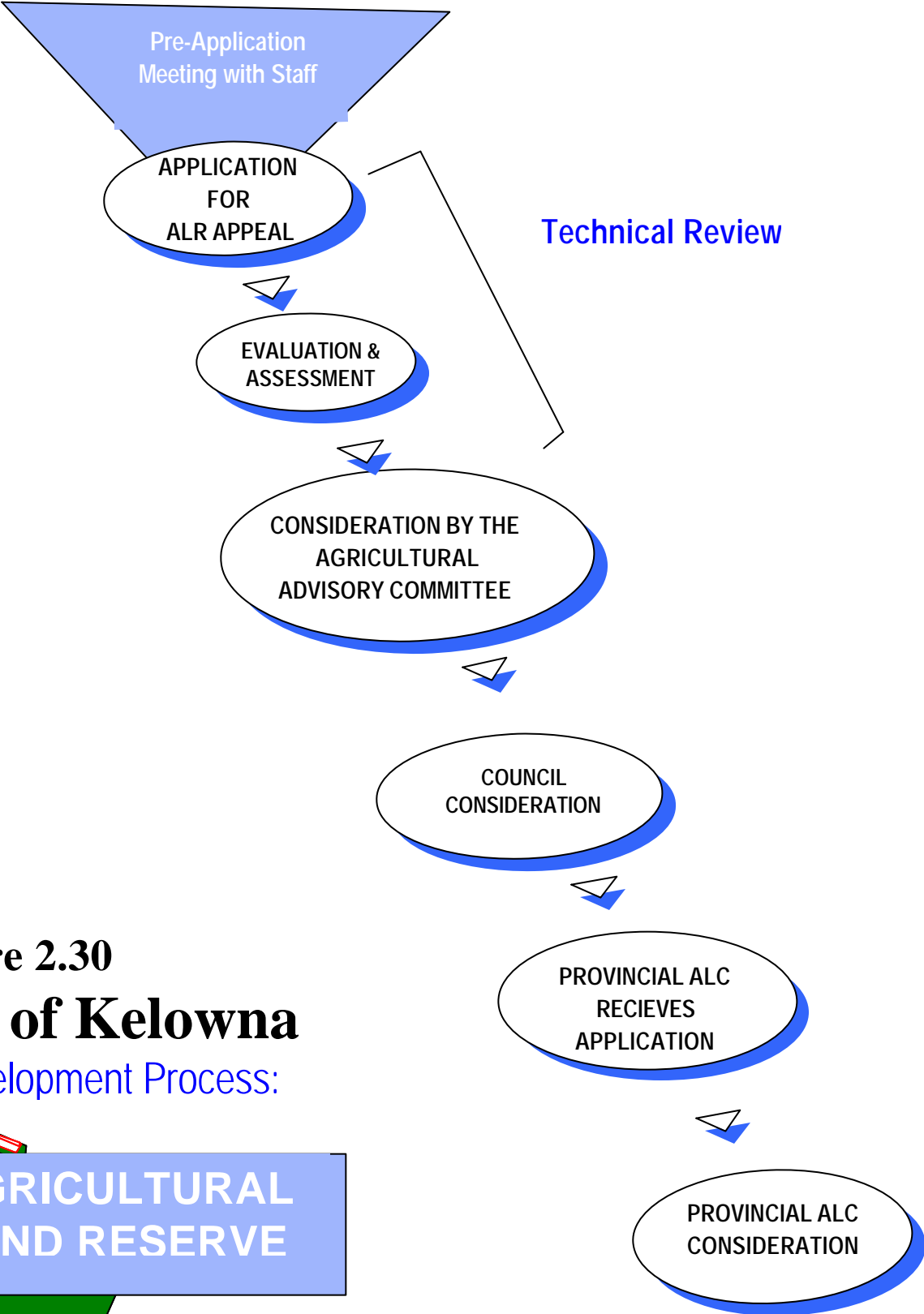


Figure 2.30
City of Kelowna
Development Process:





What is a Building Permit?

A Building Permit is required before construction is undertaken to ensure that a proposed development complies with the provincial Building Code²¹, the City's Zoning Bylaw²², Subdivision, Development, and Servicing Bylaw²³, and other City requirements. Inspections are required as part of the Permit process to ensure all requirements are met during construction.

The Building Code requirements are in place to ensure that minimum construction and safety levels are met in the construction of buildings. These standards apply to things such as ventilation, insulation, drainage, exiting requirements, flame spread ratings of materials, and manufacturing standards for devices such as smoke alarms. If work proceeds that is contrary to Provincial or City regulations, the applicant will be required to undertake corrections. **Figure 2.31** outlines the actions that require a building permit application.

The permitting procedure for electrical work is governed by a provincial program. Persons undertaking electrical work should contact the Electrical Inspections Office at 1913 Kent Road, Kelowna (Ph: 861-7313).

Figure 2.31: Building Permits are required to...

- ⇒ Construct a new residential, commercial, industrial, or institutional building
- ⇒ Construct a new accessory structure, if area is greater than 10m²
- ⇒ Alter, renovate or repair existing buildings or structures
- ⇒ Complete a previously-unfinished area in an existing building (e.g. basement, recreation room)
- ⇒ Move a building from one location to another
- ⇒ Demolish or relocate a building on the same lot or place a mobile home on a lot
- ⇒ Perform trades work or modification involving plumbing, heating, gas, propane, oil burner, or electrical installations
- ⇒ Install or repair a sewage disposal system
- ⇒ Install water service pipe, sanitary sewer, storm sewers, and drainage
- ⇒ Install a swimming pool with a surface area more than 14m² to a depth exceeding 600 mm.

²¹ Available on the BC Government web site (www.gov.bc.ca)

²² Available on the City web site (www.city.kelowna.bc.ca) – click **Bylaws then Zoning Bylaw 8000**

²³ Available on the City web site (www.city.kelowna.bc.ca) – click **Bylaws then Subdivision, Development and Servicing Bylaw No. 7900.**

What is the Application Process for a Building Permit?

The building permit process is outlined below. **Figure 2.32** at the end of this section outlines a flow chart for the building permit process.

1. Pre-application Meeting with Staff

Prior to submitting an application, an applicant wishing to undertake alteration to a building or construct a new building will often meet with staff in the Inspection Services Division of the Planning and Development Services Department. Staff will determine the need for the building permit and outline the components necessary for a complete application.

2. Application Submitted for Building Permit and City Services

Building permit applications are submitted to the Building Inspections Division. At this time, the applicant must also apply for City services (i.e. water and sewer) where there are no other service providers.

3. Evaluation and Assessment

A checklist of submission requirements is included with the application form. The application must include scaled drawings with sufficient detail for the City's Plan Checker to determine whether the proposed construction complies with the Building Code and municipal bylaws (i.e. Site plan, Floor plan, Elevations, and typical cross-sections).

4. Servicing Determined

The Inspections Services Division will refer the application to the City's Works and Utilities Department where the applicant is seeking a building permit for any of the following:

- new single or two family dwelling,
- multiple family dwelling, or
- commercial, industrial, or institutional construction (other than façade improvements).

The Works and Utilities Department will determine if, and where, works and services are required to be completed by the applicant.

5. Servicing Agreement Executed and Security Received

Where the applicant is required to complete works and services, they must enter into a Servicing Agreement with the City to ensure that if the building permit application is approved, the applicant completes all works outlined in the agreement.

The Servicing Agreement requires the applicant to post a Performance Bond to cover the value of the construction of the works and services to be completed, and enter into a Performance and Maintenance Bonding Agreement with the City. Performance Bonding means that the developer deposits with the City a security equal to 140% of the estimated value of works and services to be completed by the applicant in conjunction with their development.

6. Building Permit Issued

Construction is not authorized to proceed before the Inspections Services Manager issues the Building Permit. At the time of issuance of a Building Permit, an applicant who is requesting a building permit to construct four or more housing units, or undertake work in excess of \$50 0000, must pay the applicable Development Cost Charges DCCs.

Once the Permit has been issued and construction has begun, a series of site inspection are conducted by City staff. It is the applicant's responsibility to request inspections at the appropriate times and obtain inspection approval. **Figure 2.32** outlines a list of inspections that are normally required for a Residential Building Permit.

Figure 2.32: Inspections Normally Required for a Residential Building Permit:

- ⇒ Siting and footing
- ⇒ Foundation prior to backfill
- ⇒ Service connections
- ⇒ Rough plumbing
- ⇒ Under slab inspection
- ⇒ Framing
- ⇒ Installation
- ⇒ Final Inspection

7. Final Inspection

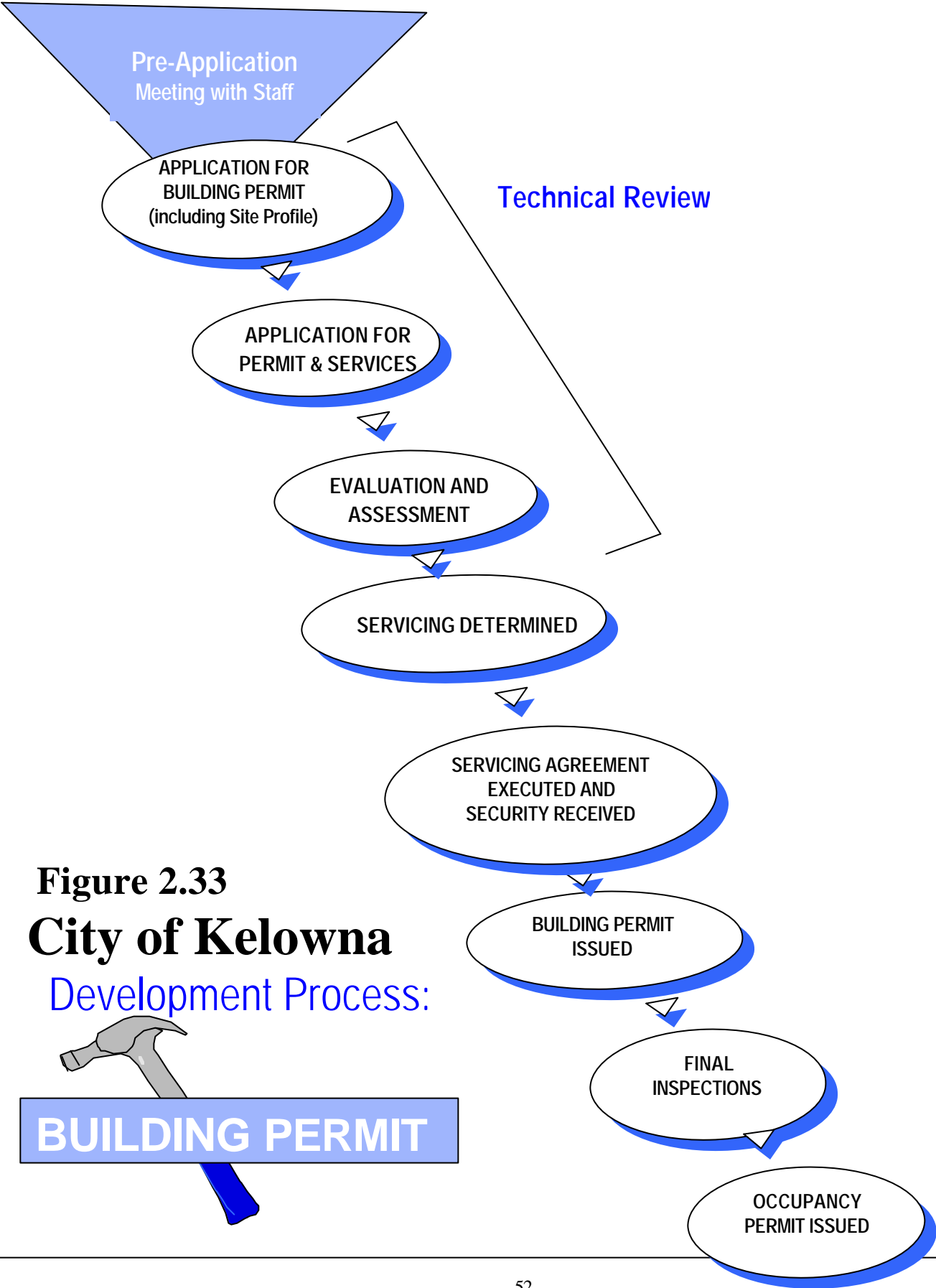
The applicant must apply for Final Inspection prior to occupancy. Final Inspection is made after all work is completed, including correction of all deficiencies noted in previous inspections. The Inspector will check that the lot grading, required safety features, and the construction is complete according to the Zoning Bylaw, Building Code and other municipal bylaws. In some cases, the inspector will look for compliance with Building Schemes or Design Guidelines with respect to exterior finishes and landscaping.

Where the City has required the applicant to enter into a Servicing Agreement, the applicant's Professional Engineer is required to provide the City with "as constructed" drawings of the works and services constructed. They must also provide a certificate which states that the works were constructed in accordance with the plans and specifications. The Performance Bond, minus 5% of its total value (or \$1000 whichever is greater), is returned to the applicant at this point.

The 5% retained by the City is the Maintenance Bond. The bond is retained to cover any construction deficiencies that may have occurred or may arise in the year following completion. The Maintenance Bond is returned to the applicant one year from the date that construction is completed.

8. Occupancy Permit

Following Final Inspection and approval, an Occupancy Permit will be issued by the Building and Inspection Services Department.





What is the Board of Variance?

The Board of Variance will hear appeals from persons who have been denied a Building Permit in instances where the proposed project did not meet the requirements of the following bylaws and regulations:

- ✓ Zoning Bylaw²⁴ requirements respecting the siting, dimensions or size of a building or structure, or the siting of a manufactured home in a manufactured home park,
- ✓ Tree Protection Bylaw²⁵ requirements,
- ✓ restrictions on structural alterations or additions to non-conforming uses, or
- ✓ certain subdivision servicing requirements in agricultural or industrial use areas.

The Board of Variance functions separately from the municipality. The Board consists of two members appointed by City Council, two appointed by the Minister of Community, Aboriginal and Women's Services and one more member appointed by the other four.

An appellant must be able to demonstrate to the Board that undue "hardship" would result from complying with the bylaw or regulation of the City (only those bylaws and regulations outlined above). Hardship is generally intended to mean that a person is not able, under the current regulations, to build on their property in a manner that would allow them to use the property for that which it is zoned for. Appeals often result in situations where a natural or physical obstacle stands in the way of the portion of the lot that may otherwise be built on.

Appeals also result where the City has introduced new requirements on a property that the existing property or building cannot meet. If the landowner wishes to add to the building, that person must appeal to the Board of Variance for approval of a minor variance to the relevant bylaw requirement.

The Board of Variance may also hear appeals where a building has been involved in a fire and the Building Inspector has determined that 75% or more of its value (above

²⁴ Available on the City web site (www.city.kelowna.bc.ca) – click **Bylaws** then **Zoning Bylaw 8000**

²⁵ Available on the City web site (www.city.kelowna.bc.ca) – click **Bylaws** then **Tree Protection Bylaw 8041**

its foundations) has been destroyed. In this case, unless an appeal is approved by the Board of Variance, the building must be reconstructed in a form that would be in accordance with existing City bylaws. If an appeal is made to the Board and the Board determines that damages are in fact less than 75%, the owner may rebuild in a form that is in accordance with the bylaws that were in place when the building was originally constructed.

What is the process for an Appeal to the Board of Variance?

The process involved in making an appeal to the Board of Variance is outlined below and opportunities for public participation are highlighted. **Figure 2.34** at the end of this section outlines a flow chart of the appeal process.

1. Building Permit Denied

A person who has applied for, and been denied a building permit, may be in a position to appeal to the Board of Variance for a minor variance. The letter received by the applicant informing them that their building permit has been denied, will indicate whether the basis for denying the building permit can be appealed to the Board.

2. Application Submitted

If the applicant chooses to make an appeal to the Board, they must submit their appeal to the Secretary of the Board of Variance through the City Clerk's Office. The appeal must include the construction drawings, site plan, and a copy of the letter of the Building Permit denial from Inspections Services.

The Secretary of the Board (City Clerk's Office) will notify owners and tenants of the property for which the application has been submitted as well as adjacent owners and tenants. The notice must be mailed a minimum of 7 days prior to the Board of Variance Meeting, and must outline the subject of the application and the time and place that the application will be reviewed by the Board.

If the Chairperson of the Board determines the appeal to be sufficiently important, a notice of the appeal will be published once in the newspaper at least 5 days prior to the hearing date.

3. Evaluation and Assessment

The Planning and Development Services Department is forwarded the appeal for their comments and following an inspection of the site, will prepare a report for the consideration of the Board of Variance. Among the information gathered is an assessment of the likely impact of the proposed variance on the surrounding neighbourhood.

4. Consideration by the Board of Variance

The application and staff report are then forwarded to the Board of Variance. All affected owners, agents and anyone from the public who deem themselves affected by the application may attend the **meeting of the Board of Variance**. Details of the appeal, including site plans, can be viewed in the City Clerk's Office up to 4:00pm, three days prior to the Board of Variance Meeting.



At the meeting, staff of the Planning and Development Services Department will present their report. The appellant is then invited to outline their proposal for the Board. The appellant must show that complying with the bylaws or requirements they are applying for a variance from, would cause them undue hardship.

Having heard the appellant's presentation and any others notified of the appeal, the Board will request that the appellant and members of the public be excused to allow the Board to deliberate "in camera" - a private discussion of the board and staff.

5. Decision of the Board of Variance

The Board may order that a minor variance be permitted if they are in the opinion that the variance does not:

- ✓ result in inappropriate use of the site,
- ✓ adversely affect the natural environment,
- ✓ substantially affect the use and enjoyment of adjacent land,
- ✓ vary the permitted uses or densities under the applicable bylaw, or
- ✓ defeat the intent of the bylaw.

The Board of Variance can not issue an order that would be in conflict with matters covered by a development permit, a covenant, a land use contract, flood plain specifications, or protected heritage property of a heritage conservation area or heritage revitalization agreement.

The Secretary will advise the appellant of the decision of the Board within 7 days of the decision. A letter is sent to the appellant from the City Clerk's Department outlining the Board decision.

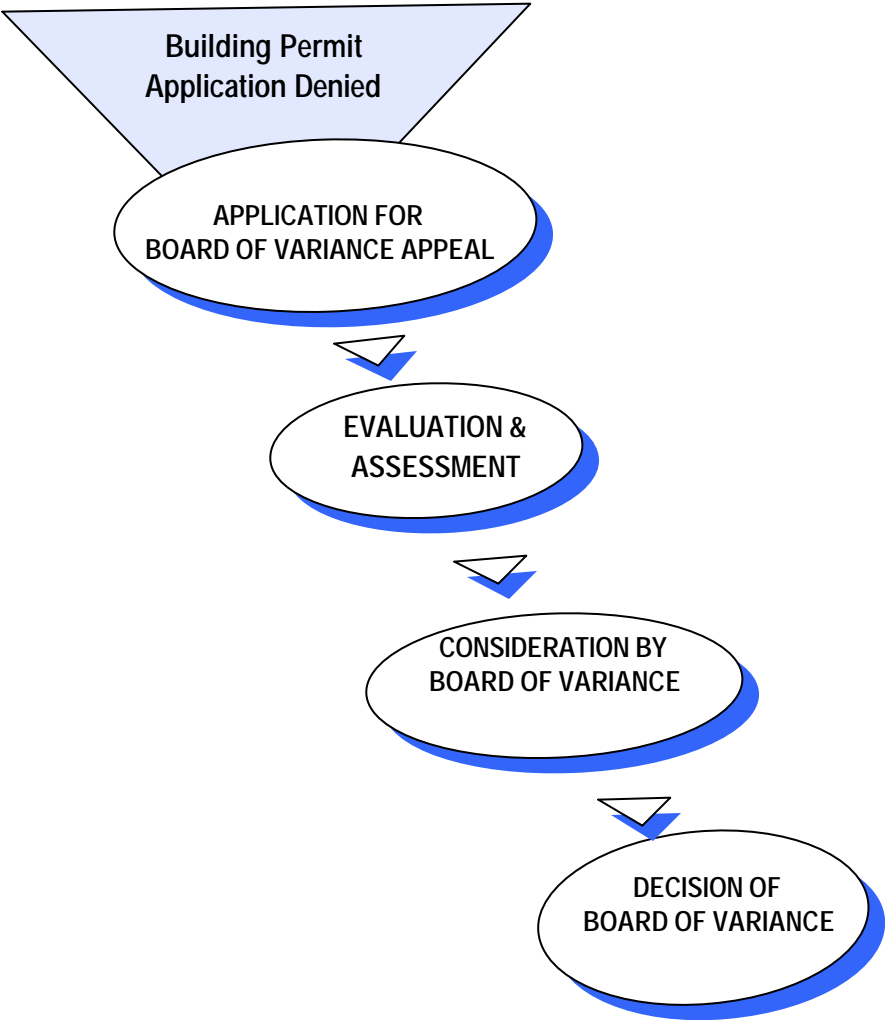


Figure 2.34
Board of Variance
Appeal Process

WHO'S WHO

PART THREE: WHO'S WHO

The following section provides contact lists for City Council and Staff. These people can answer questions that have not been addressed in this handbook.





City of Kelowna Municipal Council Members

Mail addressed to the Mayor or Councillors can be sent to:

City Hall
1435 Water Street
Kelowna, B.C.
V1Y 1J4

Telephone messages can be left at: (250) 763-6011

Faxes can be sent to: (250) 862-3399

Emails can be sent to: jjohnsto@city.kelowna.bc.ca

COUNCIL MEMBER	PHONE	EMAIL
MAYOR:		
Walter Gray	862-3339 ext. 300	jjohnsto@city.kelowna.bc.ca
COUNCILLORS:		
Andre Blanleil	862-0592	ablanleil@andres1.com
Ronald Cannan	862-9380	rcannan@city.kelowna.bc.ca
Barrie Clark	764-7062	aird@shaw.ca
Colin Day	861-0695	cday@city.kelowna.bc.ca
Brian Given	979-1313	bgiven@city.kelowna.bc.ca
Robert Hobson	868-5224	rhobson@cord.bc.ca
Al Horning	765-5090	ahorning@city.kelowna.bc.ca
Sharon Shepherd	717-9066	sharonshepherd@shaw.ca



City of Kelowna Committee Information

The following list outlines the Kelowna City Council -Appointed Committees for 2003 – 2005, as well as other committees that have City representation. Staff contacts can be reached by dialing 862-3339 and the local listed next to their name. City Council members can be contacted by dialing 763-6011.

Kelowna City Council Committees

Committee	Staff Contact	Appointee(s)
Advisory Planning Commission	Shelley Gambacort #442	No Council Rep
Agricultural Advisory Committee	Mark Koch #243	No Council Rep
Airport Advisory Committee	Roger Sellick 765-5125 #201	Mayor Gray, Counc. Blanleil
Audit Committee	Paul Macklem #417	Mayor Gray, Counc. Blanleil, Hobson
City Council Water Committee	Don Degen #619	Counc. Day, Hobson, Shepherd
Community Heritage Commission	Signe Bagh #491	Counc. Shepherd
Council Task Force on the Community Charter	Ron Born #301 Allison Flack #306	Counc. Clark, Hobson, Horning
Family Court Committee		Counc. Clark
Kelowna Parking Committee	Ron Westlake #328	Counc. Day
Local Court of Revision		Counc. Cannan, Clark, Horning
Parks and Facilities Committee	Joe Creron 862-5580 #585	Counc. Blanleil, Cannan, Horning, Shepherd
Public Art Committee	Hazel Christy #449	No Council Rep
Regional District of Central Okanagan – Board of Directors		Mayor Gray, Counc. Cannan, Day, Hobson, Shepherd
Social Planning and Housing Committee	Theresa Eichler #448	Counc. Cannan, Shepherd
Urban Centre Implementation Committee	Signe Bagh #491	Counc. Day, Given, Hobson, Horning

Other Committees with City Council Representation

Committee	Appointee(s)
2003 BC Disabled Games	Mayor Gray, Counc. Shepherd
Business Recruitment Team	Counc. Blanleil
Central Okanagan Parks & Wildlife Trust	Counc. Hobson
Citizen of the Year/Civic Awards Committee	Counc. Given, Horning
Communities in Bloom Committee	Counc. Cannan
Council Policy Manual Review Committee	Counc. Day
Kasugai Sister City Society	Counc. Cannan
Kelowna & District Safety Council	Counc. Clark
Kelowna Arts Foundation	Counc. Given
Kelowna Art Gallery	Counc Shepherd
Kelowna Centennial Museum Assn.	Counc Clark
Kelowna Chamber of Commerce	Counc Blanleil
Kelowna Heritage Foundation	Counc. Shepherd
Kelowna International Regatta	Counc. Cannan
Kelowna Joint Water Committee	Counc. Day
Mayor's Entertainment District Task Force	Mayor Gray
Okanagan Mainline Municipal Labour Relations	Mayor Gray, Counc. Day
Okanagan Military Museum	Counc. Clark
Okanagan Regional Library District	Counc. Day
Okanagan Shuswap Forestry Community Coalition	Counc. Day
Parks Alive! Committee	Counc. Given
Veendam Sister City Society	Counc. Clark

Council Appointments to Regional District of Central Okanagan Committees

Committee	Appointee(s)
Air Quality Committee	Counc. Shepherd
Airport Advisory Committee	Counc. Hobson
Community Action Towards Children's Health	Counc. Shepherd
Dog Advisory Committee	Counc. Given
Economic Development Commission	Counc. Blangleil
Emergency Plan Executive Board	Mayor Gray, Counc. Day, Hobson
Engineering Committee	Counc. Cannan, Day
Exotic Animal Committee	Counc. Shepherd
Governance and Services Committee	Mayor Gray, Counc. Cannan, Day, Hobson, Shepherd
Municipal Finance Authority	Counc. Hobson
Negotiating Committee	Counc. Day
Okanagan Basin Water Board	Counc. Hobson
Planning and Environment Committee	Counc. Cannan, Shepherd
Parks Advisory Committee	Counc. Cannan, Day, Shepherd
Sterile Insect Release Committee	Counc. Day
Transportation Committee	Mayor Gray, Counc. Cannan, Day, Hobson, Shepherd
Watercraft Committee	Counc. Day, Hobson

City of Kelowna Directory of Long Range & Community Planning Projects

The following list provides contact people who can answer questions about long range, community, or special planning projects. All contact people can be reached by dialing 862-3339 and the extension number listed next to their name.

Project	Contact
Accessibility Design Guidelines	Theresa Eichler # 448
Agriculture Plan	Gary Stephen # 441
Area Structure Plans	Hazel Christy # 449
Brent's Mill	Greg Routley # 468
Census Data	Trevor Parkes # 606
Child Care	Theresa Eichler # 448
City-wide Vegetation Inventory	Trevor Parkes # 606
Commercial Land Use Review	Gary Stephen # 441
Community or Residents Associations	Theresa Eichler # 448
Community Social Development Grants	Theresa Eichler # 448
Community, Social, Youth Issues & Organizations	Theresa Eichler # 448
Crime Prevention Design Guidelines	Theresa Eichler # 448
Development Incentives	Pat McCormick # 217
Downtown Plan & Downtown Plan Committee	Pat McCormick # 217
Downtown Sign Plan	Pat McCormick # 217
Downtown Streetscape Design	Pat McCormick # 217
Glenmore/Clifton/Dilworth Sector Plan	Greg Routley # 468
Grants to Address the Sexual Exploitation of Youth	Theresa Eichler # 448
Heritage Conservation & Conservation Areas	Greg Routley # 468
Heritage Register	Greg Routley # 468
Housing - Seniors', Affordable, Rental, & Special Needs	Theresa Eichler # 448
Industrial Land Uses	Gary Stephen # 441
Inner City Shore Zone Plan	Signe Bagh # 491
North Mission/Crawford Sector Plan	Greg Routley # 468
Official Community Plan	Gary Stephen # 441
Population Growth Statistics	Gary Stephen # 441
Public Art Initiative	Hazel Christy # 449

Projects continued:

Project	Contact
Secondary Suites	Signe Bagh # 491
Shore Zone Plan	Signe Bagh # 491
Signage and Wayfinding Study	Pat McCormick # 217
Strategic Plan	Signe Bagh # 491
Social Planning & Housing Committee	Theresa Eichler # 448
Social Policies	Theresa Eichler # 448
South Pandosy / KLO Sector Plan	Pat McCormick # 217
Tree Protection Bylaw	Andrew Bruce # 436
Urban Design Issues	Pat McCormick # 217
Urban Centre Implementation Committee	Signe Bagh # 491
Wetland Management Strategy	Greg Routley #468
Zoning Bylaw	Andrew Bruce # 436

City of Kelowna Web Site

Information about City activities and initiatives is available on the City of Kelowna web site (www.city.kelowna.bc.ca). Here are descriptions of just a few of the links provided:

Bylaws

Links to full-text versions of all City of Kelowna bylaws, in PDF format.

Calendar

Do you want to be heard? Do you want to find out what is going on in your community? The Calendar link shows you the meeting times and dates for Council and for Council-appointed committees.

Community Info

This section contains information about Civic and Community Awards, City Grants, Public Art, Populations Statistics, Community Associations, Urban Centre Maps and links to important community services, resources and amenities

Council

The Council link provides you with information about the Mayor and Council, all Council meetings, and access to City of Kelowna bylaws, policies, documents and City grant programs.

Departments

This link provides access to the web pages of each of the City's operating departments. Clicking **Departments** then **Planning and Development Services**, for example, gives you access to every division of that department (Bylaw Enforcement, Community, Current, Long Range and Special Projects Planning, and Inspection Services), Boards, Committees, and Departmental documents.

Documents

The Document heading contains links to hundreds of City of Kelowna documents, including Legal Notices, Community Information, and publications.

Facts and Stats

You can find up-to-the-minute information about your development application, or any other development application in the City, online. Each development application is entered into the **Development Application Database**, and updated at each step of the process. From **Facts and Stats**, click on **Development Application Files** to access the database. Building activity statistics, and airport statistics are also accessible from this location.

Official Community Plan

The Official Community Plan (OCP) is the policy framework used by Council to deal with the issues expected to arise in the next twenty years, including housing, transportation, parks, economic development, the natural and social environment, infrastructure, etc.. It is provided Chapter by Chapter in PDF format. Maps from the OCP are also provided here.

What's New?

Public events, City project information, press releases, and news archives are all found on this page; a great way to keep abreast of local issues.