



# CITY OF WEST KELOWNA COUNCIL POLICY MANUAL

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Effective Date: September 29, 2021

**SUBJECT: PUBLIC HEARING PROCESS POLICY**

## **Policy Statement:**

This policy outlines the process for holding Public Hearings and the process for oral and written presentations on rezonings and Official Community Plan amendments.

## **Authority:**

*Local Government Act - Section 465(2):*

At the public Hearing, all persons who believe that their interest in property is affected by the proposed bylaw are afforded a reasonable opportunity to be heard or to present written submissions respecting matters contained in the bylaw that is the subject of the hearing.

*Local Government Act - Section 465(3):*

Subject to subsection (2), the Chair of the Public Hearing may establish procedural rules for the conduct of the Hearing.

## **Policy:**

### 1. **General**

- 1.1 Public Hearings will be scheduled on an as required basis.
- 1.2 Public Hearings are to be held in the City of West Kelowna Council Chambers except when the location and scope of the application may warrant holding the Public Hearing electronically and/or at a larger location.
- 1.3 Public Hearings must be held after first reading of the bylaw and before third reading.
- 1.4 More than one bylaw may be included in one notice of a Public Hearing, and more than one bylaw may be considered at a Public Hearing.
- 1.5 A written report of each Public Hearing, containing a summary of the nature of the representations respecting the bylaw that were made at the hearing, must be prepared and maintained as a public record.
- 1.6 A report under subsection (1.5) must be certified as being fair and accurate by the person preparing the report and if applicable, by the person to whom the Hearing was delegated.
- 1.7 A Public Hearing may be adjourned and no further notice of the Hearing is necessary if the time and place for the resumption of the Hearing is stated to those present at the time the hearing is adjourned.

1.8 Council may adopt an official community plan or zoning bylaw at the same meeting at which the plan or bylaw passed third reading.

2. Submission Process:

*Staff will manage written correspondence received (by letter or email) for a public hearing as follows:*

<p>1. Correspondence received prior to the bylaw receiving 1<sup>st</sup> and 2<sup>nd</sup> readings, and Council direction to proceed to Public Hearing.</p>	<ul style="list-style-type: none"> <li>• <i>If addressed to Staff, retained in file.</i></li> <li>• <i>If addressed to Council, circulated to Council as general correspondence.</i></li> <li>• <i>Does <u>not</u> form part of the Public Hearing binder or public record.</i></li> </ul>
<p>2. Correspondence received after Council direction to schedule the Public Hearing.</p>	<ul style="list-style-type: none"> <li>• <i>Compiled and made ready for public review as part of the Public Hearing binder.</i></li> <li>• <i>Forms part of the public record.</i></li> <li>• <i>Deadline for receipt of written correspondence set at 4:00 p.m. the business day prior to the Public Hearing.</i></li> <li>• <i>Any correspondence received prior to 10:00 a.m. on the Tuesday before the Public Hearing will be included in the Council Agenda package.</i></li> <li>• <i>Any correspondence received after 10:00 a.m. on Tuesday and before 4:00 p.m. on the business day prior to the Public Hearing will be included as a Late Agenda Item.</i></li> </ul>
<p>3. Correspondence received after 4:00 p.m. the business day prior to the Public Hearing.</p>	<ul style="list-style-type: none"> <li>• <i>Cannot be guaranteed to be read out at the Public Hearing.</i></li> <li>• <i>Recommendation is for the public to attend the meeting to present their submission.</i></li> <li>• <i>Compiled and made available for public review at the Public Hearing.</i></li> <li>• <i>Forms part of the public record.</i></li> </ul>
<p>4. Correspondence received at the Public Hearing.</p>	<ul style="list-style-type: none"> <li>• <i>Compiled and made available for public review at the Public Hearing.</i></li> <li>• <i>Forms part of the public record.</i></li> </ul>
<p>5. Correspondence received after close of the Public Hearing.</p>	<ul style="list-style-type: none"> <li>• <i>Cannot be received by Council.</i></li> <li>• <i>Does not form part of the public record or Public Hearing binder.</i></li> <li>• <i>Will be retained in the file.</i></li> </ul>

3. Public Hearing Process

3.1 The Chair will call the meeting to order, provide the purpose for the Public Hearing and outline the procedural rules for the conduct of the hearing.

3.2 The General Manager of Development Services or designate shall introduce the proposed amendment.

3.3 The owner/applicant may make a presentation limited to ten (10) minutes.

- 3.4 The Chair will invite anyone who believes their interest will be affected by the proposed bylaw, an opportunity to address Council. Persons wishing to speak at the Public Hearing are asked to provide their name, address and indication as to whether they support or are against the proposal. Speakers will be limited to five (5) minutes to express their views. A speaker will not debate a point of view with another speaker but will seek clarification through the Chair.
- 3.5 A person wishing to speak a second time may be allowed to provide additional information only after all other speakers have been heard from for the first time.
- 3.6 A person wishing to speak a third time may be allowed to provide new information only after all other speakers have been heard for the first and second time.
- 3.7 A timing/lighting device may be used to monitor individual(s) allotted time.
- 3.8 A speakers list may be used for larger Public Hearings.
- 3.9 The chair will only receive submissions that pertain to the bylaw under consideration.
- 3.10 Those in attendance at the Public Hearing will refrain from applause, cheering, heckling, booing, inappropriate language, other expressions of emotion, outbursts or criticisms aimed at individuals or groups whether in favour of, or opposition to, any particular application or argument. Placards, posters and signs are not permitted.

4. Public Hearing Closed

- 4.1 After all submissions have been heard, the Public Hearing is then closed unless otherwise indicated by Council. No other submissions from the public or applicant may be received by Council if the Public Hearing is deemed closed.

Previous Revision/s: 2018-SEP-04 2010-JUN-08 2009-AUG-04 2008-OCT-08
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