

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 4771

A Bylaw to Establish the
Oak Bay Advisory Planning Commission – Land Use

CONSOLIDATED FOR CONVENIENCE TO FEBRUARY 14, 2022

(**amended by Bylaw No. 4771.001)

The Municipal Council of The Corporation of the District of Oak Bay, in open meeting assembled, enacts as follows:

1 ESTABLISHMENT

1.1 A commission to be known as the Oak Bay Advisory Planning Commission – Land Use (the “Commission”) is hereby established.

2 DEFINITIONS

2.1 In this Bylaw, the following words shall have the following meanings:

Commission	means the Advisory Planning Commission – Land Use established by this Bylaw
Council	means the Municipal Council of the Corporation of the District of Oak Bay
Council Liaison	means a Member of Council appointed by the Mayor as a Council Liaison to the Commission
Member	means a person appointed as a volunteer to the Commission
Official Community Plan	means the District of Oak Bay Official Community Plan, as amended or replaced from time to time
Staff Liaison	means the staff person(s) designated by the Chief Administrative Officer to support the Commission
Zoning Bylaw	means The Corporation of the District of Oak Bay Zoning Bylaw as amended or replaced from time to time

3 MANDATE OF THE COMMISSION

- 3.1 In accordance with the *Local Government Act*, the mandate of the Commission is to advise Council on matters respecting land use, community planning, or proposed land use or community planning Bylaws and permits, as referred to the Commission by Council, including:
- a) Applications to amend the *Official Community Plan* or the *Zoning Bylaw* to ensure that proposed developments comply with the District's current land use policies and objectives; and,
 - b) Select development applications within the Natural Environment Development Permit Areas, to ensure that proposed developments comply with the Development Permit Area guidelines in the *Official Community Plan*.
- 3.2 Other matters that Council may, from time to time, refer to the Commission for advice, including, but not limited to the following:
- a) District plans or strategies which may affect the *Official Community Plan*, such as plans or strategies related to land use, transportation, environment, climate change, economy, heritage, social and cultural considerations;
 - b) Federal, Provincial, regional or neighbouring municipal plans which may affect the District's *Official Community Plan*;
 - c) Development or application of performance indicators to measure progress toward achieving *Official Community Plan* goals and objectives;
 - d) Any other matter related to community planning or land use that Council considers relevant to the District.

4 MEMBERSHIP OF THE COMMISSION

- 4.1 The Commission shall be comprised of up to seven (7) volunteer members.
- 4.2 The District shall strive to achieve geographical representation from all parts of Oak Bay and expertise in the following areas: environment, active transportation, heritage, and land use. The District shall also strive to appoint one member from the local business community and one member under 35 years of age.
- 4.3 In accordance with the *Local Government Act*, at least two-thirds of the membership shall be residents of the District of Oak Bay.
- 4.4 The Mayor shall appoint one (1) member of Council as a non-voting Council Liaison.

5 APPOINTMENT PROCESS AND TERMS OF COMMISSION MEMBERSHIP

- 5.1 Members of the Commission shall be appointed by Council.
- 5.2 Members will be appointed for staggered terms of one (1) to two (2) years.
(*Bylaw No. 4771.001, adopted February 14, 2022)

- 5.3 Members of the Commission shall be appointed for a maximum continuous tenure of three (3) terms, or six (6) consecutive years, except as otherwise specified in the *Committee and Commission Policy* for terms beginning in 2021.
 - a) Members of the Commission must seek re-appointment by Council at the end of each term.
- 5.4 Members who have served the maximum tenure permitted are subject to a mandatory one-term (2 year) absence from the Commission prior to seeking re-appointment for any subsequent term, unless Council deems their reappointment to be necessary for expertise and continuity purposes.
- 5.5 An appointment to the Commission may be rescinded at any time by Council.
- 5.6 If Council, by resolution, fills a vacancy arising from a cause other than the expiration of the term for which the departing member was appointed, such appointment shall be for the unexpired portion of the departed member's term.
- 5.7 A member who fails to attend three successive meetings of the Commission, except because of illness or with leave of Council, shall be deemed to have resigned their membership.

6 COMMISSION MEETING PROCEDURES

- 6.1 The provisions of the current *Council Procedure Bylaw* and *Committee and Commission Policy* will govern the meetings of the Commission.
- 6.2 The Commission shall elect the Chair and Vice-Chair annually at the first meeting of each calendar year from amongst its members. A motion to appoint a member to the position of Chair or Vice-Chair shall be in order only with the consent of the nominee.
- 6.3 As per the *Committee and Commission Policy*, Chairs elected or appointed by the Advisory Body will serve a maximum two-year term. Council may consider any extenuating circumstances and extend the appointment of an Advisory Body Chair as it deems necessary.
- 6.4 Regular meetings shall generally take place on a monthly basis if there are referrals to consider. As per the *Council Procedure Bylaw* and the *Committee and Commission Policy*, there will be no Commission meetings in August. Further, during a local government election year, there will be no meeting held in the month of the municipal election.
- 6.5 Subject to the provisions outlined in Section 6.4, the Chair may cancel a regular meeting or schedule a special meeting in consultation with the Staff Liaison, and with the approval of the Chief Administrative Officer.
- 6.6 Unless a meeting or part of a meeting is authorized to be closed to the public in accordance with the provisions of the *Community Charter*, all Commission meetings shall be open to the public.
- 6.7 Quorum for the Commission shall be a simple majority of appointed volunteer members.

- 6.8 Provided a quorum is present, all decisions of the Commission shall be reached by consensus or a majority vote of the members present, including the vote of the Chair, with the motion being defeated in the event of a tie vote.
- 6.9 A member of the Commission who has a direct or indirect pecuniary interest, or another interest in the matter that constitutes a conflict of interest in a matter before the Commission, distinct from that possessed in common with the public generally, shall:
- a) In open session declare such interest;
 - b) Refrain from participating in any discussion or voting on the matter; and
 - c) Leave the meeting room for the duration of discussion or voting on the matter.
- 6.10 Commission meetings shall be adjourned no later than two (2) hours from the scheduled start time of the meeting. If business cannot be completed within two (2) hours, the Chair or Council Liaison may request a special meeting through the Corporate Officer or Chief Administrative Officer, for the sole purpose of completing the unfinished business.

7 APPLICATION REVIEW PROCESS

- 7.1 Individual applications referred to the Commission for review must be considered in open session.
- 7.2 The application review process shall be as follows:
- a) Staff will undertake an initial review of the application and prepare a report for the Commission. A copy of the application and staff report will be included in the Commission's agenda package.
 - b) At the Commission meeting, the Staff Liaison will introduce the application to the Commission and the applicant and / or representative shall be given the opportunity to address the Commission, following which the Commission members will have an opportunity to address questions to the applicant and staff.
 - c) The Commission will review the merits of the application as follows:
 - Proposed amendments to the *Official Community Plan* or *Zoning Bylaw* to ensure that proposed developments comply with the District's current land use policies and objectives;
 - Select development applications within the Natural Environment Development Permit Areas, to ensure that proposed developments comply with the Development Permit Area guidelines contained in the *Official Community Plan*.
 - d) The Commission will then vote on the application by recommending, in the form of a resolution, one of the following:
 - approval of the application;
 - approval of the application with considerations; or,
 - denial of the application.

- e) If the Commission recommends approval of the application with considerations, the resolution must include and specify the considerations accordingly.
- f) Following the Commission meeting, staff will review the Commission discussion and recommendation with the applicant. If the Commission recommended approval with considerations, the applicant will have the opportunity to amend the application before it proceeds to Council.
- g) Staff will prepare a report for Council, which will include the Commission recommendation and any subsequent amendments by the applicant to satisfy any considerations. In addition, a copy of the relevant meeting minute excerpt, draft or adopted, will also be attached.
- h) The outcome of Council's decision will be reported back to the Commission through the Council Liaison.

8 REPORTING TO COUNCIL

- 8.1 As set out above in Section 7, Commission recommendations related to individual applications will be conveyed to Council through the established development review process, and generally contained in staff reports to Council.
- 8.2 Commission advice and recommendations related to any other matter referred by Council shall be by way of a report to Council, with the assistance of the Staff Liaison, in the form prescribed by the Corporate Officer, as may be amended from time to time. Council decisions will be reported back to the Commission by the Corporate Officer via memorandum.

9 AGENDAS AND MINUTES

- 9.1 Commission meeting agendas and minutes must be prepared, distributed, posted and filed in accordance with the current *Council Procedure Bylaw*, the *Committee and Commission Policy*, and all related corporate administrative standards

10 REMUNERATION AND BUDGET

- 10.1 Members of the Commission shall serve without remuneration; however, they may be reimbursed for expenses incurred while engaged in Commission duties. Pursuant to the *Committee and Commission Policy*, these expenses must be pre-approved by the Chief Administrative Officer or Director of Financial Services, as appropriate.
- 10.2 Council shall establish an annual budget and provide funds for the operation of the Commission, including attending land use planning related conferences or workshops, advertising and administrative supplies.
- 10.3 Expenditures from the annual budget approved by Council, shall be approved

by the Director of Building and Planning or by the Director of Financial Services.

11 STAFF SUPPORT FOR THE COMMISSION

11.1 Staff support for the Commission will be provided by one Staff Liaison from the Building and Planning Department and one Recorder. The roles and responsibilities of the Staff Liaison and Recorder are outlined in the *Committee and Commission Policy*.

11.2 The Building and Planning Department is the primary contact for the Commission and will provide the required professional and administrative support.

12 REPEAL

12.1 Bylaw No. 4647, "*Advisory Planning Commission Bylaw, 2015*", together with all amendments, is hereby repealed.

13 CITATION

13.1 This Bylaw may be cited as the *Advisory Planning Commission - Land Use Bylaw No. 4771, 2020*.

READ a first, second and third time by the Municipal Council on December 7, 2020

ADOPTED AND FINALLY PASSED by the Municipal Council on December 14, 2020

Mayor

Corporate Officer

Sealed with the Seal of The Corporation
of the District of Oak Bay.