

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 4772

A Bylaw to Establish the  
Oak Bay Advisory Planning Commission – Design Panel

**CONSOLIDATED FOR CONVENIENCE TO FEBRUARY 14, 2022**

(\*\*amended by Bylaw No. 4772.001)

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 – Design Panel (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 – Design Panel 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 Advisory Planning Commission – Design Panel
Official Community Plan	means the District of Oak Bay <i>Official Community Plan</i> , 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 <i>Zoning Bylaw</i> as amended or replaced from time to time

**3 MANDATE OF THE COMMISSION**

3.1 The mandate of the Advisory Planning Commission – Design Panel is to provide professional and community advice to assist Council and Staff in evaluating the

design merits of select development applications, as well as any other matters referred by Council, including consideration of draft design guidelines or policies to ensure that the form and character of future development is of a high quality and meets the needs of the community.

3.2 The specific duties of the Commission are:

a) To evaluate and make recommendations on the design merits of the following types of development applications:

- i. Uplands Siting and Design applications, relative to the Uplands Design Guidelines (associated with the *Uplands Regulations Bylaw, 1987* and the *Oak Bay Special Powers Act, 1935*) and any applicable policies outlined in the *Official Community Plan*; and,
- ii. select development applications, relative to the applicable registered design covenants or Development Permit Area guidelines in the *Official Community Plan*.

b) To provide input via staff, upon referral from Council, in establishing design guidelines or related policies to ensure that the form and character of future developments are of a high quality and meet the needs of the community.

3.3 The Commission is further authorized to review and make recommendations on the Allan Cassidy Recognition of Renovation and Building Achievement Awards, recognizing projects that have demonstrated innovation and high standards in urban and landscape designs.

#### **4 MEMBERSHIP OF THE COMMISSION**

4.1 The Commission shall be comprised of up to five (5) volunteer members.

4.2 The District shall strive to achieve expertise through the following Commission membership:

- a) Two registered architects of the Architectural Institute of BC
- b) Three members with professional experience in at least two or three of the following areas: architecture, design, engineering, and landscape design.

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. 4770.001, 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 who wish to continue to serve on 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 due to 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 Commission will serve a maximum two-year term. Council may consider any extenuating circumstances and extend the appointment of a Commission 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 development applications referred to the Commission for review must be considered in open session.

7.2 Individual applications referred to the Commission for review must be considered in open session.

7.2 The design 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 members 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 design merits of the application as follows:
  - i. Uplands Siting and Design applications, relative to the Uplands Design Guidelines (associated with the *Uplands Regulations Bylaw, 1987* and the *Oak Bay Special Powers Act, 1935*) and any applicable policies outlined in the *Official Community Plan*; and,
  - ii. select development applications, relative to the applicable registered design covenants or Development Permit Area guidelines 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:
  - i. approval of the application;
  - ii. approval of the application with design considerations; or,
  - iii. denial of the application.
- e) If the Commission recommends approval of the application with design considerations, the resolution must include and specify the conditions accordingly.
- f) Following the Commission meeting, staff will review the Commission discussion

and recommendation with the applicant. If the Commission recommended approval with design 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 guidelines.

## **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 or design 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 CITATION**

13.1 This Bylaw may be cited as the *Advisory Planning Commission – Design Panel Bylaw No. 4772, 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.