

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 4647

A Bylaw to Establish the Oak Bay Advisory Planning Commission

WHEREAS Section 898 of the *Local Government Act* provides that the Council of The Corporation of the District of Oak Bay may, by bylaw, establish an Advisory Planning Commission;

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

1 ESTABLISHMENT

A commission to be known as the Oak Bay Advisory Planning Commission (the "Commission") is hereby established.

2 DEFINITIONS

Commission	means the Advisory Planning Commission established by this Bylaw.
Council	means the Municipal Council of the Corporation of the District of Oak Bay
Official Community Plan	means the District of Oak Bay Official Community Plan Bylaw No. 4620, as amended or replaced from time to time
Zoning Bylaw	means The Corporation of the District of Oak Bay Zoning Bylaw No. 3531, as amended or replaced from time to time

3 MANDATE OF THE COMMISSION

3.1 The mandate of the Commission is to advise Council on matters respecting land use, community planning, or proposed bylaws and certain permits under Part 26 of the *Local Government Act*.

3.2 The District of Oak Bay may refer planning and land use matters to the Commission for review, including the following:

- a) Development policies and initiatives that promote a sustainable community by linking land use, transportation, environment, climate change, economy, heritage, social and cultural considerations;
- b) Measures for progress toward achieving Official Community Plan goals and objectives;
- c) Proposed amendments to the Official Community Plan and Zoning Bylaw to ensure they remain effective and relevant documents;

- d) Official Community Plan amendment applications, rezoning applications and land use contract amendments to ensure proposed developments comply with the policies and objectives of the Official Community Plan; and
- e) Select development permits and development variance permits.

4 MEMBERSHIP OF THE COMMISSION

- 4.1 The Commission shall be comprised of no less than seven (7) and no more than nine (9) regular members, appointed by Council resolution.
- 4.2 The District shall strive to achieve geographical representation from all parts of the District of Oak Bay. The District shall also strive for both broad representation of the community, and for expertise through the following:
 - a) One member with environmental background
 - b) One member with active transportation background
 - c) One member with heritage background
 - d) One member with land use background
 - e) One member of business community
 - f) One member under 35 years of age
 - g) Three members of community at large
- 4.3 In accordance with the *Local Government Act*, at least 2/3 of the membership shall be residents of the District of Oak Bay.

5 APPOINTMENT PROCESS AND TERMS OF COMMISSION MEMBERSHIP

- 5.1 Members of the Commission shall be appointed by Council.
- 5.2 Initial appointments under Section 4.2 shall be a mixture of one year and two year terms to ensure there is continuity and consistency in the Commission structure by providing a mix of past experience on planning issues.
- 5.3 All appointments subsequent to the initial appointments shall be for two (2) year overlapping terms scheduled to expire December 31st.
- 5.4 Members of the Commission shall be appointed for a maximum continuous tenure of three (3) terms.
- 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 Where not provided by this Bylaw or other applicable enactment, procedural questions shall be governed by the rules and practices set out in the latest edition of Robert's Rules of Order.
- 6.2 The Commission shall elect the Chair and Co-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 Co-Chair shall be in order only with the consent of the nominee.
- 6.3 Regular meetings shall take place on a monthly basis. Special or ad hoc meetings shall be at the call of the Chair.
- 6.4 Except where the provisions of the *Community Charter* apply, all Commission meetings shall be open to the public. Where the Commission wishes to close a meeting to the public, it may do so by adopting a resolution in accordance with the *Community Charter*.
- 6.5 Quorum for the Advisory Planning Commission shall be a simple majority of appointed members.
- 6.6 Individual applications referred for review shall be dealt with in an open session. In each case, District staff shall initiate the review with a presentation of background information, including a summary of any issues applicable to the proposal.
- 6.7 The applicant or the applicant representative shall be given the opportunity to address the Commission, following which the Commission members shall have an opportunity to address questions to the applicant and staff. The Commission shall then formulate its position in relation to the proposal and provide its recommendation.
- 6.8 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 Advisory Planning 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.

7 AGENDAS AND MINUTES

- 7.1 The order of business for the Commission meetings shall be governed by the agenda. Late agenda items shall be determined at the call of the Chair.
- 7.2 The order of business is to be as set out in an agenda package to be provided to Commission members in advance of the meeting date, and at least three (3) working days prior to the scheduled meeting date. Agendas shall be posted to the District website.
- 7.3 Minutes shall be recorded for all Commission meetings and shall include:
 - a) Members of the Commission, District staff and Council members present;
 - b) Summary of discussion for items considered by the Commission; and
 - c) Recommendations and motions to be provided to Council.
- 7.4 Minutes of the meeting shall be adopted by the Commission at its next regular meeting. Originals of the minutes shall be signed by the Chair of the Commission. After adoption, minutes shall be included on the Council agenda and posted to the District website.

8 REMUNERATION AND BUDGET

- 8.1 Members of the Commission shall serve without remuneration. However, they may be reimbursed for expenses incurred while engaged in Commission duties.
- 8.2 Council shall establish an annual budget and provide funds for the operation of the Commission.

9 STAFF SUPPORT FOR THE COMMISSION

- 9.1 The Building and Planning Department shall provide professional and administrative support for the Commission, including:
 - a) Organizing and preparing meeting agendas;
 - b) Distributing the agenda and posting applicable notices;
 - c) Recording and preparing minutes;
 - d) Managing files and maintaining a list of outstanding issues for action;
 - e) Drafting reports to Council;
 - f) Providing professional advice on issues discussed by the Committee; and
 - g) Other duties as necessary.

10 CITATION

This Bylaw may be cited as the *Advisory Planning Commission Bylaw, 2015*.

READ a first, second and third time by the Municipal Council on May 25, 2015

ADOPTED AND FINALLY PASSED by the Municipal Council on June 8, 2015

Mayor

Municipal Clerk

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