



ADVISORY DESIGN PANEL

TERMS OF REFERENCE

MANDATE

The Advisory Design Panel exists to create an independent body to provide an objective, professional view with regard to the public interest and to give impartial professional recommendations to City staff and Council on matters relating to the design context of development proposals or policies that affect Duncan's physical environment.

ROLES AND FUNCTIONS

The Advisory Design Panel (the Panel) shall review and advise Council on the conformance of Major Development Permit applications (commercial development over 200 square meters, or residential development with 5 or more units), Development Permits for Form and Character and other matters referred to it by Council or staff.

Consideration of each issue referred to the Panel shall result in a formal motion in which a recommendation to Council is made. Council is not bound to the advice or recommendations of the Panel.

In preparing its recommendations to Council on an application, the Panel must consider the relevant Development Permit Area (DPA) Guidelines within the context and scope of the proposal, the effect of the proposal on community design (including appearance and contextual relationship to its surroundings, exterior materials, landscaping and general safety and accessibility of the design), as well as any other relevant City policies or regulations identified by staff. When applying the DPA Guidelines the Panel may use related Official Community Plan policies and statements in interpreting the intent of the guidelines.

The Panel may be requested to provide advice or guidance on design-related policies, such as updates to Development Permit Area Guidelines or related bylaws such as the Sign Bylaw.

DUTIES AND RESPONSIBILITIES OF THE CHAIR

The Chair will be elected annually by the voting members of the Panel. An Alternate chair will be selected by the members of the committee in the event of an absence.

The Chair shall preside at all meetings of the Panel, preserve order and decide all points of order.

TERM

The term of the Panel shall commence upon approval of the Terms of Reference document and terminate upon the sooner of:

- December 31, 2022; or
- A resolution of the City of Duncan.

Panel members will be appointed for two year terms. The maximum number of terms of an individual panel member is two terms (a total of 4 years), unless authorized by Council under special circumstances where it is not possible to obtain a new member of a specific profession, and where leaving the position unfilled would cause a lack of specialized knowledge in that area.

MEMBERSHIP

The Advisory Design Panel shall consist of one (1) Council member (non-voting liaison) and six (6) voting members appointed by City Council as follows:

- Two (2) architects currently registered with the Architectural Institute of British Columbia (AIBC), one may be a retired architect only if an active member is not available;
- One (1) landscape architect currently with the British Columbia Society of Landscape Architects (BCSLA) (certified member, inactive/retired member, in good standing);
- One (1) planner registered with the Canadian Institute of Planner or the Planning Institute of BC (certified member, candidate member, retired member or student member);
- Two (2) at-large members with demonstrated background or experience in development or design, which may include:
 - A member of the Urban Development Institute (UDI) or a land development economist;
 - A person with recognized qualifications in sustainable building design or sustainable community design (i.e. an accredited member of the Canadian Green Building Council or Built Green builder); or
 - A person with expertise in accessible design.

Panel members, including any replacement members, must be appointed by Council.

The Manager of Planning is appointed as the staff liaison and will attend all Panel meetings to present reports and information to the Panel and provide professional advice and information to the Panel on behalf of the City.

A City of Duncan staff person will be appointed to be a recording secretary for the Panel.

Appointments to the Panel must be made by Council and shall be effective for two years. Should a Panel member resign, replacement members must also be appointed by Council.

Advisory Design Panel candidates who are currently registered members of the AIBC or BCSLA must be selected from a list of nominees submitted by their respective professional organizations.

REMUNERATION

Advisory Panel members serve as volunteers and shall serve without remuneration. Panel meeting expenses shall be undertaken by the City of Duncan, as deemed acceptable.

ACCOUNTABILITY

Advisory Design Panel members are expected to attend meetings regularly. If a member is continuously absent from Panel meetings for a period of three consecutive scheduled meetings, unless the absence is because of illness, the office of the member is deemed to be vacant and the Panel may proceed to replace that member. If a Panel member finds it necessary to resign from the Panel, a letter to that effect should be sent to the Chair and copied to the staff liaison and recording secretary.

City Council shall have the power to remove any member of the Panel from office at any time.

Members of the AIBC are required by their organization to comply with the terms of the AIBC `Bulletin 65: Advisory Design Panels – Standards for Procedure and Conduct` (as amended from time to time), including terms of appointment included therein.

Members of the BCSLA are required by their organization to comply with the terms of the `BCSLA Advisory Design Panel Guidelines` (as amended from time to time), including the terms of conduct contained therein.

CONFLICT OF INTEREST GUIDELINES

Advisory Panel members shall absent themselves from discussions or decision-making at Panel meetings if there is a potential conflict of interest, and this shall be recorded in the Minutes of Panel meetings.

Advisory Panel members shall not knowingly take advantage of, or benefit from, information that is obtained through their Panel duties and responsibilities and which is not generally available to the public.

Any member whose personal or financial interest could conflict with the subject matter discussed should immediately disclose this information.

As soon as a potential conflict of interest arises, the member will declare it for discussion and recording, after which the member will vacate the meeting for the discussion and vote.

CONFIDENTIALITY

Advisory Panel members may be privy to confidential material and as such are expected to sign a “Conflict of Interest/Confidentiality Form.”

Should a closed meeting be held by the Panel, members must keep in confidence, any information considered in any part of said meeting until such time as the information is released to the public as lawfully authorized or required. Should the City suffer loss or damage due to contravention of confidentiality, the City may recover damages from the person(s) for the loss or damage.

MEETING PROCEDURES:

The Advisory Design Panel will meet on the fourth Thursday of each month, at 10:00 a.m. (depending on whether there are any Development Permit applications for review). If the meeting falls on a statutory holiday, the meeting will be held at the same time on the next day. The date and time may be flexible depending on the availability of the panel members and other City scheduling.

The location of meetings will be at the City of Duncan Committee Room or an online platform, provided the ability for the public to hear, or see and hear, the meetings are met.

All Panel meetings will be conducted in an orderly and business-like manner abiding consistent with the City of Duncan Procedure Bylaw, as amended, or replaced from time to time.

Meetings are open to the public unless otherwise posted as a closed meeting per S. 90 of the *Community Charter*.

Staff shall make a reasonable effort to contact an applicant whose application will be considered at a meeting, to provide an opportunity to present their application and respond to questions of the Panel.

Quorum shall consist of (3) members.

All Panel meetings shall commence at the stated time.

The conduct of meetings shall enable members of the Panel to consider information presented, weigh evidence related thereto, and make informed decisions in a democratic, consensually driven environment. Each voting member shall have one vote and will respect the following rules of meeting conduct:

- Group discussion is important; everyone participates;
- Provide honest, professionally sound opinions;
- Agree to disagree; consensus may not always be achieved;
- Commit to stay on track and on topic, and
- Commit to anonymity; names are not associated with comments.

Discussions/deliberations related to any matter requiring a decision by the Panel must not be discussed via email. The information must be submitted to the Chair and staff liaison for inclusion on the agenda.

Meetings will proceed as follows:

- The staff liaison will present, in the presence of the applicant if they choose to attend the meeting, the general facts about the proposal and outline the City's comments or concerns as they relate to the applicable Zoning, Development Permit Area Guidelines, or other related policies or regulations. Staff will not indicate their opinion of the proposal.
- The applicant may make a brief presentation to summarize his/her design criteria, as appropriate.
- Panel members may not present on behalf of an applicant.
- Prior to further detailed examination of the display materials, the Panel may ask clarifying questions of the applicant.
- The Panel shall review the submission in open discussion and may ask further questions of the applicant or staff.
- The Chair shall ask Panel members for final comments prior to considering a recommendation regarding the project.
- The applicant shall be invited to make any final comments.
- The Panel shall prepare a motion for review. This will be done by a show of hands in an open forum with the applicant present if he/she chooses to remain at the meeting after their presentation/questions.
- Formal minutes of the meetings shall be prepared by the recording staff and reviewed by the Chair and staff liaison (for accuracy only), prior to distribution.

The staff liaison will be responsible for communicating the recommendations of the Panel to the applicant, to provide an opportunity for the application to be revised prior to being forwarded to Council. The staff recommendation to Council or Committee of the Whole will contain the panel's recommendation and details on how or if the recommendation was addressed by the applicant. If changes to the design are recommended, the application will not have to return to the Panel prior to a staff recommendation to Council.

A member of the Advisory Design Panel may attend Council meetings to speak to the Panel's report or to respond to a development application which was referred to the Panel.

Subsequent to the final approval by Council or issuance of a Development Permit which was reviewed by the Panel, the staff liaison shall submit a brief report to the Panel outlining any changes made to the development plans in response to the Panel's recommendations.

AGENDAS

The staff liaison, in collaboration with the recording secretary, shall prepare an Agenda for each meeting.

Each development application which will be considered by the Panel will contain the following in a staff report:

- a description of the application and the applicable Development Permit Area;
- copies of the plans of the proposal;
- contextual considerations;
- a review of the proposal, with a clear statement of applicable City policies, constraints, or guidelines;
- a summary of any comments received from other municipal staff or outside agencies;
- a description of any previous issues for subsequent Panel submissions.

Agendas will be circulated to each Panel member via email. Panel members may request a printed copy of an agenda.

One (1) paper copy of the OCP and Zoning Bylaw will be provided to Panel members at no cost.

MINUTES

Minutes for the Advisory Design Panel meetings will be prepared a City of Duncan staff member in accordance with Council's Procedure Bylaw. Minutes shall be reviewed by the Chair and staff liaison for accuracy, prior to distribution. Resolutions from the Panel will be forwarded to Council for consideration. Minutes of all meetings shall be made available to the public.

EXTERNAL COMMUNICATIONS

The Mayor is the official spokesperson on Council business or matters before Council. The Panel Chair, Member or staff liaison may be asked by the Mayor to be the spokesperson on matters within the Panel's purview.

On technical matters, or where the status is still at the staff proposal level, the Chief Administrative Officer or other senior staff may be the appropriate spokesperson.