

Smiths Falls Planning Advisory Committee Terms of Reference

Consolidated Version to include Amendments Adopted via
By-laws 9990-2018 and 9999-2018

1. Purpose

The Planning Advisory Committee is appointed and authorized by Council to undertake specific administrative advisory and approval functions under the Planning Act. This includes the holding of all statutory public meetings required in consideration of planning applications, the review of major site plan applications and the review of background reports, studies and processes associated with policy development activities. The Planning Advisory Committee will also assume the duties and responsibilities of the Committee of Adjustment.

2. Mandate:

Under Section 8 of the *Planning Act*, the Council of a single tier municipality shall appoint a Planning Advisory Committee and may delegate certain authority to the Committee in accordance with the Act. Council may also appoint a Committee of Adjustment to render decisions under certain sections of the Act. The Planning Advisory Committee shall fulfill both roles as follows:

2.1 Advisory Role

Pursuant to Section 8 of the Planning Act, the Planning Advisory Committee has been tasked with providing advice to Council on the following matters:

- a) Official Plan Amendments;
- b) Zoning By-law Amendments;
- c) Major Site Plan Control applications and amendments thereto;
- d) Subdivision and Condominium Applications;
- e) Class 2 Development Permit Applications
- f) Any policy development initiatives as directed by Council.

2.1.1 Public Meetings

The Committee shall host public meetings to receive comments from the public and applicant, consider reports, overviews and recommendations from Planning staff and discuss the planning merits of applications.

2.1.2 Recommendation to Council

Following a public meeting, the Committee is responsible for providing written recommendations to Council, through the Committee of the Whole, in the form of a motion. With reasons given, the Committee's motion can include the following recommendation:

- a) Approval;
- b) Approval with modifications;
- c) Deferral;

- d) Denial

2.1.3 Evaluation Criteria

The Committee is tasked with advising Council on planning applications and policy initiatives and determining whether a proposal represents good land use planning in the public interest of the Town. This evaluation can involve balancing competing interests. To assist in a meaningful evaluation, Committee members should have a familiarity with:

- a) Town of Smiths Falls Official Plan;
- b) Town of Smiths Falls Zoning By-law
- c) Town of Smiths Falls Site Plan Control By-law
- d) Town of Smiths Falls Development Permit By-law;
- e) Provincial Policy Statement
- f) Any other policy, plan or applicable law that might be adopted by Council or other government agency.

The Committee shall also have regard for comments provided by the public or technical review agencies.

2.2 Decision Making Role:

Pursuant to Sections 44 and 53 of the Planning Act, the Planning Advisory Committee has been delegated to fulfill the role of the Committee of Adjustment and render decisions on the following matters:

- a) Minor variance applications;
- b) Permission to change or extend legal non-conforming uses;
- c) Interpret the Zoning By-law where a term is defined in a general matter;
- d) Applicants for consent and related land division functions.

2.2.1 Public Meetings

The Committee shall host public meetings to receive comments from the public and applicant, consider reports, overviews and recommendations from Planning staff and to discuss the planning merits of applications.

2.2.2 Committee Decision

Following a public meeting, the Committee shall render written decisions on any application brought before it, with reasons, in the following forms:

- e) Approval;
- f) Approval with modifications;
- g) Deferral;
- h) Denial

2.2.3 Evaluation Criteria

The Committee is tasked with rendering decisions on planning applications. This evaluation can involve balancing competing interests. To assist in a meaningful evaluation, Committee members should have a familiarity with:

- g) Town of Smiths Falls Official Plan;
- h) Town of Smiths Falls Zoning By-law

- i) Town of Smiths Falls Site Plan Control By-law
- j) Town of Smiths Falls Development Permit By-law;
- k) Provincial Policy Statement
- l) Any other policy or applicable law that might be adopted by Council or other government agency.

The Committee shall evaluate **Minor Variance Applications** in accordance with the following four tests:

- a) Is the application minor in nature?
- b) Is the application desirable for the appropriate development of the lands?
- c) Does the application conform to the general intent of the Zoning By-law?
- d) Does the application conform to the general intent of the Official Plan?

The Committee shall evaluate **Consent Applications** in accordance with the criteria established in Section 51(24) of the Planning Act.

The Committee shall also have regard for comments provided by the public or technical review agencies.

3. Membership

3.1 Appointment

Planning Advisory Committee members will be appointed by Council, the term of which shall coincide with the term of Council.

- a) A minimum of two (2) and maximum of three (3) Council members shall be appointed to the Committee;
- b) A minimum of four (4) and maximum of five (5) citizen members living in the Town shall be appointed to represent the Town of Smiths Falls at large. A cross section of people shall be chosen in order to bring to the Committee a diversity of professional and community experience and technical expertise.
- c) Additional members may be appointed to the Committee throughout the duration of the Term of Council
- d) A Committee member may apply for re-appointment for any number of consecutive or non-consecutive terms.

3.2 Administration

- a) All members of the Committee appointed by Council shall be considered voting members.
- b) The membership will appoint one voting member as Chairperson for the term of the Committee.
- c) A majority of members shall constitute quorum, unless the meeting fulfills the role of the Committee of Adjustment, in which case the quorum shall be three (3) (*see Sec. 44(5) of Planning Act*).

4. Staff Liaison

The Town will provide one staff member (non-voting) to the Committee to provide technical and administrative support to the Committee. The staff liaison will be responsible for the following activities:

- a) Prepare and maintain meeting minutes, agendas, motions and technical reports as needed;
- b) Obtain technical feedback from any other municipal departments and outside agencies as may be required to support the work of the Committee;
- c) Orient the Committee members at the beginning of the term.

5. Meetings

The Committee will meet monthly, with a minimum of nine (9) meetings held throughout the year. For the ease of planning, every attempt will be made to hold meetings on a consistent day of the week, regular time and location throughout the year. In exceptional circumstances, additional meetings may be held as required at the call of the Chair.

Agendas and information packages, which will include the minutes from the previous meeting, will be sent via email to all committee members in advance of the meeting.

6. Committee Remuneration

Council may choose to compensate members of the Committee with either a per diem or fixed yearly honorarium.

7. Code of Conduct

Council of the Corporation of the Town of Smiths Falls established a Codes of Conduct for Members of Council and its local boards (Bylaw 9973-2018).

The Town of Smiths Falls is committed to providing and maintaining a working environment that is based on respect for the dignity and rights of everyone in the organization. It is the Town's goal to provide a healthy and safe work environment that is free from any form of harassment or violence.

All Committees of Council are also subject to the Policy Respecting the Appointment of Citizen Members for the Town of Smiths Falls Boards and Committees