The Corporation of the Municipality of Red Lake

Planning Advisory Committee
Terms of Reference

Purpose

The Planning Advisory Committee (PAC) is an advisory committee to Council and is established under the authority granted by the Province of Ontario pursuant to Section 8 (2) of the *Planning Act*, R.S.O. 1990, CHAPTER P.13 (Planning Act) for the purpose of providing Council with recommendations specific to community land use planning matters.

Mandate

The PAC will make recommendations to Council in regard to land use matters in the Municipality of Red Lake having regard to the Provincial Planning Statement, 2024, Municipality of Red Lake Official Plan and Zoning By-Law and to the principles of organized and reasonable development.

Functions and Duties of the Planning Advisory Committee

Application Review

- Review and make recommendations to Council on applications for Official Plan Amendments (OPA's) and Zoning By-Law Amendments (ZBA's), pursuant to Sections 22 and 34 of the *Planning Act* and conduct public meetings (hearings) as delegated by Council for such applications based on recommendations from staff and / or the Municipal Planning Consultant.

- Attend site inspections for properties subject to application review as required.

- Where in the opinion of the CAO (or designate) an application for an OPA and / or a ZBA is complex or is of such magnitude to significantly impact the Municipality, the application and subsequent Planning Report will be submitted directly to the Municipal Council for consideration.

- Where PAC has been delayed or cancelled due to lack of Quorum, the CAO may submit the application to the next available meeting of Council so as not to unreasonably delay an application.

- Additionally, draft Plans of Subdivision and draft Plans of Condominium pursuant to Sections 51 and 51.1 of the *Planning Act* and Section 9 of the *Condominium Act*, 1998 and public meetings (hearings) shall be submitted directly to the Municipal Council for consideration.

- The preparation or update of Municipal planning documents such as the Official Plan and Zoning By-law shall be administered by Council.

Operation

The PAC shall follow the appropriate procedures detailed in the *Planning Act*, *Municipal Act*, *Municipal Conflict of Interest Act* and *Municipal Freedom of Information and Protection of Privacy Act* which will govern the operation of the PAC.

The PAC must also satisfy legal requirements concerning notice, public hearings, calling those who wish to be heard in favour of or against the application, notice of decisions, and recording of proceedings.

The PAC is guided by planning policies, and controls established by Council through the Zoning By-Law, Official Plan, Provincial Planning Statement, 2024 and Planning Act.

Meetings

PAC meetings are held once monthly, or more often at the call of the Chair or at the call of the Secretary Treasurer, in the Council Chambers, Municipal Office. The regular schedule of monthly meetings shall be established annually in consultation with the Committee members at the first regular meeting of the year. Meetings shall generally be held on the second Tuesday of the month. Where there are no business or planning matters, staff will cancel the meeting and advise members accordingly.

All meetings shall be conducted in accordance with the Municipality of Red Lake Procedural By-Law.

Reporting

Minutes of the PAC shall be recorded by a Recording Secretary.

The PAC reports to and makes recommendations to Council. The liaison between PAC and Council shall be the Chief Administrative Officer with assistance from the Planning Coordinator and/or the Municipal Planning Consultant.

Approved Minutes shall be forwarded to the Clerk for inclusion on the next available Council agenda.

Recommendations of the PAC to Council shall be in the form of a resolution.

Organization

The Committee shall be composed of seven (7) members appointed by resolution of Council, of which one (1) member is a member of Council.

Committee members elect a Chair and Vice-Chair annually, at the first meeting of the year. When the Chair is absent from a meeting, the Vice-Chair serves as Chair and when both the Chair and Vice-Chair are absent, the Committee appoints another member as Acting Chair for that specific meeting.

Term of Office

Members of the PAC shall hold their appointment for the term of the Council that appointed them.

Council maintains the right to rescind appointments where Council deems it to be in the best interest of the Municipality.

Members are eligible for reappointment. Where a member ceases to be a member before the expiration of their term, Council may appoint another eligible person for the unexpired portion of the term.

No honorarium will be paid to members.

Member Eligibility/Application/Appointment/Vacancies

In accordance to the "Appointments of Citizens to Boards & Committees" Policy.

Absenteeism

Members who are unable to attend hearings are required to report their absence to the Secretary prior to the hearing date and/or time. Members having three (3) consecutive unexcused absences shall be deemed to have resigned from the PAC, and shall be replaced through the member appointment process.

Quorum

A majority of members of the PAC constitutes quorum pursuant to Section 14.2(2) of the *Planning Act*.

For the purposes of the seven (7) member PAC, quorum is four (4).

Voting is by simple majority. A tie vote means the motion being voted on is lost, which means the motion does not carry.

Duties and Responsibilities

PAC Chair

- Presides at all PAC meetings (hearings) and exercises authority procedurally and performs duties as required.
- May, with the assistance of staff, provide guidance and leadership to the committee in the completion of its mandate.
- Ensures that decorum is maintained at each meeting and that rules of procedure and conduct are observed.

PAC Vice Chair

- Acts in the Chair's absence and assumes the roles and responsibilities of the Chair.

PAC Secretary-Treasurer

- Acts as a liaison between the PAC and Council.

Administrative Support Staff

- Secretary-Treasurer (Chief Administrative Officer or Designate) (Non-Voting)
- Recording Secretary (Executive Assistant or Designate) (Non-Voting)
- Planning Coordinator and/or Municipal Planning Consultant (Non-Voting)

Agenda

The Secretary-Treasurer shall arrange to have the agenda prepared. Any items for inclusion on the agenda must be submitted to the Secretary-Treasurer, through the Planning Coordinator by 4:30 p.m. the Wednesday of the week immediately preceding the PAC meeting. Insofar as practicable, agendas, along with supporting material shall be prepared and emailed or made available to PAC members on the Thursday prior to the week in which the PAC meeting is scheduled.

Agendas along with supporting material shall be posted on the Municipal website on the Friday prior to the week in which the PAC meeting is scheduled.

Legislation

Planning Advisory Committee decisions will be made at a public hearing. All information pertaining to an application will be presented at the hearing and all discussion on the specifics of an application will take place at the hearing.

Municipal Conflict of Interest Act

Members may have pecuniary conflict of interest as they have decision-making ability. Members should be cognizant of conflict of interest or perceived conflict of interest in terms of issues which may serve to benefit them personally.

i) a) When present at a hearing at which matter considered

Where a member, either on their own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a Committee of Adjustment public hearing at which the matter is considered, the member:

- Shall, prior to any consideration of the matter at the hearing, disclose the interest and the general nature thereof;
- Shall not take part in the discussion of, or vote on any question in respect of the matter;
- Shall not attempt in any way whether before, during or after the hearing to influence the voting on any such question.

b) When present at a "closed" hearing at which matter considered

Where a hearing is not open to the public, in addition to complying with the requirements set out above, the Member shall forthwith leave the hearing or the part of the hearing which the matter is under consideration.

ii) When absent from hearing at which matter considered

Where the interest of a member has not been disclosed by reason of the member's absence from the hearing, the member shall disclose the interest and the general nature thereof, and comply with the requirements listed above, at the first hearing attended by the member after the hearing at which the matter was considered.

iii) Disclosure to be recorded in the minutes

Every declaration of interest and the general nature thereof shall be recorded in the minutes of the hearing.

Municipal Freedom of Information and Protection to Privacy Act

Members will act to protect the privacy of individuals with respect to personal information contained in application forms and information circulated to the Committee and to ensure that the personal information is used solely for the processing of the application.

Other Items of Note

Except as otherwise provided in the Terms of Reference, all other procedural matters respecting the calling, place and proceedings of meetings shall be governed under the Municipal Procedural By-Law. Where there is a contradiction between the Terms of Reference in terms of hearing procedure rules, the Municipal Procedural By-Law and applicable legislation shall prevail.

The Planning Advisory Committee is subject to the Accountability Open and Transparency By-Law/Code of Conduct for Members of Council, Local Boards and Committee Policy of the Municipality of Red Lake.

Terms of reference shall be reviewed during the term of each Council or more frequently, as required.

Code of Conduct and general expectations

- Members shall attend and actively participate in all hearings.
- Members shall not interfere with the operational decisions and responsibilities of the day to day operation of the municipal workforce.
- Members are encouraged to undergo any training that may be provided.
- Members shall keep confidential any information disclosed or discussed at a meeting which is closed to the public.
- Members shall discharge their duties loyally, faithfully, impartially and according to the *Municipal Act* or any Regulation, Rule or By-Law.
- Members shall not use their appointment to advance their interests or the interests of any person or organization with whom or with which they are associated.

Public Hearing Procedure

1. The Chair shall read the application to be heard.

2. The Secretary-Treasurer shall read any correspondence that has been received relating to the application.

3. The Chair will ask the applicant or the agent on behalf of the applicant if they would like to speak. It is expected that the applicant generally provides a brief outline of their request/proposal. This should be kept to 10 minutes or less.

4. All interested parties are then allowed to express their objections, concerns, or comments. This should be limited to 10 minutes per person. Written correspondence can be submitted to the Secretary-Treasurer at the Municipal office any time prior to the meeting.

5. The applicant is then allowed to respond to concerns raised by the public.

6. The Chair asks members if they have any questions to direct at the applicant.

7. The applicant is given the opportunity to respond to the Committee of Adjustment.

8. The Chair then reads a recommended motion for the Committee's consideration.