



## Report to County Council

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**From:** Nicholas Loeb, Director of Legal Services

**Date:** April 9, 2024

**Subject:** PS 24-5 Land Division Committee Remuneration / Procedural Change

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### **Recommendation(s):**

THAT Council for the County of Elgin receive the report entitled “PS 24-5 Land Division Committee Remuneration” and file it for information;

AND THAT Council provide direction to the Director of Legal Services to prepare the necessary amendments to By-Law No. 23-03 to adjust the remuneration of LDC members and By-Law No. 23-05 to revise the procedure of the LDC;

### **Introduction:**

This report advises Council of correspondence received from the Chair of the Land Division Committee (“LDC”) requesting that Council consider adjustments to the Land Division Committee remuneration. Specifically, the LDC is requesting adjustments to its compensation and procedures to permit LDC members to conduct site visits and be compensated for their attendance, and, an increase in per-meeting compensation. Staff recommend changes to the procedure to permit LDC members to conduct site visits. Staff are seeking direction on whether Council wishes to change the compensation of the LDC.

### **Background and Discussion:**

The following request was received from the Chair of the Land Division Committee.

“Following discussion at the last Land Division Committee meeting held on February 28<sup>th</sup>, the Committee has directed me to submit this letter on their behalf requesting the resumption of site visits conducted by LDC members. The members of the LDC feel that visiting sites within their own municipalities would aid in our understanding of the applications being presented and allow us to make more informed decisions. The Committee wishes to return to the system of site visits, which was utilized by the previous Committee whose term ended in October 2022.

The issue of remuneration was also discussed. It is the understanding of the LDC that the rates of remuneration have not been updated in a few years. To address this, I would like to propose an increase in the rate of pay for ½ day meetings from \$150 to \$175 and for full-day meetings from \$300 to \$350. It is our understanding that mileage paid for attendance of the LDC meetings in person is the same rate of pay which County staff receive and already takes into consideration increases in the CPI, for which we are thankful.”

The procedures of the LDC are governed by By-Law No. 23-05. Section 15 of the LDC Procedural By-Law states:

#### 15. Site Visits

Site visits shall only be conducted by the Secretary-Treasurer or designate. The general purpose of site visits is to gather relevant information for planning reports and to ensure that public notice was posted on the subject lands in accordance with the requirements in the Planning Act and O. Reg. 197/96.

This provision was created in By-Law No. 23-05 for the first time as there was a lack of clarity regarding the purpose of site visits. This is a long-standing issue that the County, LDC and Secretary-Treasurers have attempted to resolve.

This is demonstrated through the iterations of the appointment By-Laws establishing the LDC in each term of Council, where there have been attempts to deploy various descriptions around the concept of site visits. In 2011 the by-law contemplated members performing ‘investigations’ and that they may attend local councils to speak to the applications. In 2015 the description was revised. It did continue to use the word ‘investigations’ but no longer referenced attendance at local councils. The reference to ‘investigations’ and historical practice of the LDC created the incorrect implication that the intention of site visits is for the local member to provide their own land-use planning opinion evidence based on information learned from the ‘investigations’. This led to the 2023 revision.

Prior to the prevalence of detailed site mapping being readily available, site visits were the logical method of understanding the context of a planning application. The necessity of site visits has diminished over the past fifteen years as easy access to high detail orthophotography and GIS data has increased.

The merit in permitting members to conduct site visits within their local municipality is that it is helpful to understand the complete context of the application, particularly where there are unusual natural elements or topography, or potential planning conflicts with neighboring uses that benefit from observation. The site visit can be utilized by the Member to formulate questions that can be put to the applicant or LDC staff to ensure that any concerns raised by the site visit are addressed with sufficient detail for the Committee to make an informed decision.

The drawback in site visits is that they create a potential for one member of the Committee to impact the decision of the entire Committee based on conversations or

observations made during a site visit that could lack procedural fairness or be substantively incorrect with regard to land use planning merit.

The Director of Legal Services advises that section 15 of the LDC Procedural By-Law can be revised to permit site visits by Members while also providing guidance and clarity on the purpose and conduct of site visits. Staff recommend that site visits should not be mandatory, and, the Member who is appointed from each local municipality should be the member that conducts the site visit within the subject municipality on each application. Staff will work to put together a summary guide for site visits.

With regard to compensation specifically for site visits, the County can either pay mileage—which is accounted for in By-Law No. 23-03—or re-establish a per visit rate, which is suggested to be \$70.00 (prior to 2023 it was set at \$60.00 in 2011 and remained static through 2022). In the event there is a per-visit rate, then mileage would not be payable

It is expected that the budgetary impact of a fixed rate of \$70.00 would be approximately \$6,300.00.

With regard to the request for an increase to per meeting compensation, administration advises that the per-diem for a meeting at \$150 was set in 2011, with no differentiation between a half-day meeting and a full-day meeting. Most LDC meetings are only half a day or less. With an uptick in the number of meetings that went over a half-day, the full-day rate of \$300 was implemented in 2019. It is a standard practice across Ontario for Committees, hearing officers, etc., to have both a half day and full day rate.

Should Council wish to increase the compensation as requested in the LDC's correspondence, it would have a maximum potential impact of \$4,200.00 per year, but would likely have an impact closer to \$2750-\$3000, because not all meetings are full-days.

The LDC is designed to be revenue neutral, with the application fees set to cover the costs of its operation. As a result, it is recommended that should Council wish to add a per site visit fixed rate and the increase to compensation, application fees should be increased by \$100.00 per application.

### **Financial Implications:**

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The increase in costs associated with the requests by the LDC should be off-set by an increase of \$100.00 per application. This will be given effect in the fees and charges by-law, which is anticipated to come before Council for consideration at the next Council meeting.

**Alignment with Strategic Priorities:**

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<b>Serving Elgin</b>	<b>Growing Elgin</b>	<b>Investing in Elgin</b>
<input checked="" type="checkbox"/> Ensuring alignment of current programs and services with community need.  <input type="checkbox"/> Exploring different ways of addressing community need.  <input checked="" type="checkbox"/> Engaging with our community and other stakeholders.	<input type="checkbox"/> Planning for and facilitating commercial, industrial, residential, and agricultural growth.  <input type="checkbox"/> Fostering a healthy environment.  <input type="checkbox"/> Enhancing quality of place.	<input checked="" type="checkbox"/> Ensuring we have the necessary tools, resources, and infrastructure to deliver programs and services now and in the future.  <input checked="" type="checkbox"/> Delivering mandated programs and services efficiently and effectively.

**Local Municipal Partner Impact:**

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None.

**Communication Requirements:**

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The decision of Council will be communicated to the LDC.

**Conclusion:**

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Staff present a report to Council for its consideration of revisions to the procedural by-law and compensation for the LDC. Staff recommends revision to the procedural by-law regarding site visits and seeks Council direction regarding compensation.

All of which is Respectfully Submitted

Approved for Submission

Nicholas Loeb  
Director of Legal Services

Blaine Parkin  
Chief Administrative Officer/Clerk