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**Report PDR-PCD-19-14**

**To:** Chair Wright and Members of the Planning and Community Development Committee

**From:** Randy Scherzer, Director of Planning and Development  
Michael Kelly, Director of Transportation

**Meeting Date:** May 20, 2014

**Subject:** **County's Acquisition of Land Procedure G-GEN-003-002 of Policy G-GEN-003-001 Revision – Road Widening Acquired through the Consent Process**

**Status:** Report referred back to staff by Committee for further information per Resolution PCD63-14 May 20, 2014; Referral endorsed June 3, 2014 by Council; See Addendum to PDR-PCD-19-14 for further information;

## Recommendation(s)

**WHEREAS the County's Acquisition of Land Procedure requires that proposed land severances adjacent to a County Road deed a 5.2 metre (17 feet) parcel of land for road widening purposes to the County of Grey, however it does not specify if the widening is to be conveyed from the severed, retained or both parcels of property;**

**NOW THEREFORE BE IT RESOLVED THAT Report PDR-PCD-19-14 regarding proposed revisions to the County's Acquisition of Land Procedure G-GEN-003-002 of Policy G-GEN-003-001 be received;**

**AND THAT the Acquisition of Land Procedure G-GEN-003-002 section 4 be revised to define that road widening be acquired on both the severed and retained parcels associated with a proposed severance which will be added as a condition of consent, and that any exceptions to this policy would need to be considered and approved by County Council;**

**AND THAT a by-law be prepared for Council's consideration to adopt the recommended changes to the Acquisition of Land Procedure G-GEN-003-002.**

## Background

In accordance with the Grey County Acquisition of Land Procedure, the Grey County Official Plan, and the Planning Act, the County of Grey is permitted to acquire a 5.2 metre (17 feet) strip of property when a severance occurs adjacent to a County Road. For properties located within settlement areas the required road widening is determined by the Director of Transportation Services or his/her designate. It should be noted that the current procedure also permits a road widening of greater than 5 metres to be conveyed if in the County's sole opinion future right-of-way requirements will exceed 30 metres. It should be further noted that road widening would not be acquired if sufficient road widening has been obtained from the subject lands in the past. The following are excerpts from the existing Acquisition of Land Procedure:

### Real Property Acquired as a Result of a Land Severance or Minor Variance

a) *For severances or minor variances of properties on County roads:*

- i. *A road widening of 5.2 metres (17 feet) is to be conveyed in support of the County's long term goal of acquiring 30.5 metres (100 feet) right of way widths throughout its road system. For properties located within settlement areas the required road widening will be determined by the Director of Transportation Services or his/her designate;*
- ii. *a road widening of greater than five (5) metres will be conveyed if in the County's sole opinion future right-of way requirements will exceed 30 metres;*
- iii. *geometric considerations will meet the current standards as outlined in the Geometric Design Standards for Ontario Highways;*
- iv. *The landowner shall bear all the costs of the conveyance.*

1) As per Section 5.2.2(2) of the County of Grey Official Plan:

#### *"Right-of-Way Widths*

*The required road allowance of a County Road shall be determined by County Council.*

*Generally, the following minimum right-of-way widths shall apply:*

- a. *Provincial Highways as determined by the Ministry of Transportation*
- b. *County Roads generally be a 30 metre right-of-way width*
- c. *Local Roads generally be a 20 metre right-of-way width"*

*Where County road right-of-way widths are less than those described above, the County may require as a condition of approval, the dedication of lands for road widening purposes.*

- 2) Section 53(12) of the Planning Act provides authority for municipalities to impose conditions in provisional consents. In particular, the powers set out in Section 51(25) respecting plans of subdivision are extended to consents. Section 51(25)(c) provides that *“The approval authority may impose such conditions to approval...as in the opinion of the approval authority are reasonable...including a requirement...that sufficient land, other than land occupied by buildings or structures, be dedicated to provide for the widening of a highway to such width as the approval authority considers necessary”*.

Based on an opinion received from the County solicitor on this matter, the solicitor indicated that there is no restriction that the road widening requirement be only on the severed parcel and in the absence of a restriction, their opinion is that the consent condition can require it from both the retained and severed parcel. The solicitor notes that if a municipality only requires the road widening to be obtained from the severed or retained parcel, the amount of land required to be provided by way of dedication could easily be manipulated by switching what parcel of land is identified as the “severed” versus the “retained” parcel when applying for the severance.

It appears over the years there has been confusion regarding the acquisition of the 5.2 metre strip of property during severances. As a result a variety of methodologies have been implemented including:

- 1) Not obtaining the road widening
- 2) Obtaining the road widening from the severed parcel.
- 3) Obtaining the road widening only from the retained parcel.
- 4) Obtaining the road widening from the severed and retained parcel.

The purpose of obtaining the necessary road widening is to widen the County Roads in order to accommodate any future road works and utility needs.

If the County is required to widen the road for future road widening needs, and property has not been acquired through planning applications, the County must then purchase or expropriate the property. As a result it is much more cost-effective and more efficient to acquire the property as part of the consent application process.

At the April 17, 2014 Transportation and Public Safety Meeting the Committee requested that the Planning and Transportation Services Departments provide options regarding the acquisition of road widening as part of the consent process. Any changes to the acquisition procedure will need to be incorporated into the Grey County County’s Acquisition of Land Procedure G-GEN-003-002 of Policy G-GEN-003-001.

The following are options for consideration:

- 1) Do not obtain the road widening as part of the consent process (standard width to acquire is 5.2 metres)

The concern with respect to this option is that should the road widening be required for future road works, the County would need to acquire the property by purchasing or expropriating the land which is more time consuming and more expensive (both property and legal costs) than acquiring the land through the consent process.

2) *Obtain the 5.2 metre strip of property only from the severed lot.*

The concern with respect to this option is that the road widening is only being acquired from a portion of the subject lands and therefore if road widening is required to accommodate future works, the County would need to acquire the retained parcel by purchasing or expropriating the land.

Another concern is that the amount of land required to be provided by way of dedication could easily be manipulated by switching what parcel of land is identified as the “severed” versus the “retained” parcel when applying for the severance.

3) *Obtain the 5.2 metre strip of property only from the retained section of the severance.*

Same concerns as noted under Option 2 above.

4) *Obtain the 5.2 metre strip of property from the severed and retained property.*

Acquiring the land for road widening purposes on both the severed and retained parcels ensures that the road is widened to accommodate future road works without the necessity of having to purchase the lands or expropriate the lands. This is the most cost effective and efficient option.

Another version of this option is to only acquire the road widening on both the severed and retained parcels when a new lot is being proposed. If a lot addition is being proposed, one option is to only acquire it from the severed parcel. The issue with only obtaining the severed portion for a lot addition would be similar to the concerns identified under Option 2 above.

County staff performed a survey of other Counties to determine whether or not road widening was being acquired on both the severed and retained parcels. Based on the Counties who responded, 8 out of the 9 responses received indicate that they acquire road widening on both the severed and retained parcels. The following Counties who responded are currently acquiring road widening on both the severed and retained parcels: Elgin, Simcoe, Peterborough, Lambton, Stormont, Dundas and Glengarry, Prescott-Russell, Brant and Haliburton. One County indicated that they currently only acquire road widening on the severed portion but are considering proposing a policy change to acquire it from the retained parcel as well.

Based on the options described above, County staff are recommending that road widening be acquired from both the severed and retained parcels associated with a severance application. Revisions to Procedure G-GEN-003-002 are recommended to add clarity to the policy by stating that the road widening is to be obtained from both severed and retained parcels for lands associated with a severance proposal. Attached is a recommended revised Procedure G-GEN-003-002.

## Financial / Staffing / Legal / Information Technology Considerations

The Grey County Solicitor's opinion is that the County may acquire road widening from the severed and retained properties as a condition of consent.

If road widening is required in the future, the property and associated legal costs will be incurred solely by Grey County. However, if the road widening is acquired as part of a severance process there would be no costs incurred by the County.

## Link to Strategic Goals / Priorities

Not applicable.

## Attachments

[Acquisition of Land Procedure](#)

[Sale and Acquisition of Land Policy](#)

Respectfully submitted by,

Randy Scherzer  
Director of Planning

M.J. Kelly  
Director of Transportation Services

## Acquisition of Land Procedure

**Approved by:** County Council

**Date Approved:** June 5, 2012

**Replaces:** ADM-10-08

**Endorsed by:**

**Last Modified Date:** May 6, 2008

**Scheduled for Review by:** 2017

**Procedure Number:** G-GEN-003-002

**Parent Policy:** G-GEN-003-001

**Author:** Clerk's Department

### References and Related Documents

[Municipal Act 2001](#), Section 270

[G-GEN-003 Sale and Acquisition of Land Policy](#)

[G-GEN-003-001 Sale of Land Procedure](#)

### Forms

## Purpose

To define the procedures to be followed for all acquisitions of Real Property by the County of Grey.

## Scope

This procedure covers all acquisitions of Real Property by the County of Grey.

## Procedure

### 1) *General Real Property Purchases*

- a) County Council approval must be sought before County staff negotiates the purchase of any Real Property. The authority to negotiate as an agent for County Council must first be provided. County Council may delegate the authority to the Chief Administrative Officer or a relevant department Director.
- b) Staff who are delegated the authority to negotiate the purchase of Real Property are entitled to rely on additional County staff to assist with the negotiations; however, the staff member who is the person in the office that is delegated the authority is

responsible for ensuring the negotiations are carried out in compliance with the delegation granted.

- c) The authority granted will be limited to the negotiation of an agreement of purchase sale as an agent for County Council which will not be binding until approved by County Council and executed by the Warden and Clerk.
- d) The final agreement of purchase and sale will be ratified by by-law of County Council.
- e) The responsibility for receiving staff reports and making recommendations for the acquisition of Real Property under this policy for County Council approval is the appropriate Standing Committee.

## *2) Real Property Purchases by Expropriation*

- a) Where it is deemed necessary, expropriation may be authorized by County Council. In these circumstances the requirements of the Expropriation Act will be followed.

## *3) Road Purposes Purchases*

- a) The Director of Transportation Services or his/her designate is authorized to negotiate in accordance with this procedure the purchase of Real Property that is in his opinion required for road purposes. For negotiations beyond the scope of this procedure all offers will be without prejudice to the County of Grey until endorsed by County Council.
- b) In the event that it appears to County Council that a larger amount of Real Property can be acquired from any particular owner at a more reasonable price and on terms more advantageous than those upon which the immediately required Real Property can be acquired, County Council may direct that such larger amount be acquired.
- c) Recommendations to purchase property for road purposes shall be presented to the Standing Committee and recommended to County Council.
- d) With the exception of 3(b), the Warden and Clerk are authorized to execute all necessary documents related to Real Property acquisitions for road purposes once approved by County Council and is exempt from the requirement of a by-law in Section 1(d).

## *4) Real Property Acquired as a Result of a Land Severance or Minor Variance*

- a) For severances or minor variances of properties on County roads:
  - i. a road widening of 5.2 metres (17 feet) is to be conveyed in support of the County's long term goal of acquiring 30.5 metres (100 feet) right of way widths throughout its road system. For severances, road widening will be conveyed to the County on both the severed and retained parcels which will be added as a condition of consent. For properties located within settlement areas the required road widening will be determined by the Director of Transportation Services or his/her designate;

- ii. a road widening of greater than five (5) metres will be conveyed if in the County's sole opinion future right-of way requirements will exceed 30 metres. For severances, road widening will be conveyed to the County on both the severed and retained parcels which will be added as a condition of consent;
  - iii. geometric considerations will meet the current standards as outlined in the Geometric Design Standards for Ontario Highways;
  - iv. the landowner shall bear all the costs of the conveyance.
- b) Acquisitions under Section 4 are exempt from requirements of 1(a), 1(c), 1(d) and 3(c) and the Warden and Clerk are authorized to execute all necessary documents to acquire Real Property as a result of a land severance or minor variance.
- c) Any exceptions to the requirements of 4(a)(i) and 4(a)(ii) would need to be considered and approved by County Council.

### ***5) Approved Guidelines for Purchasing Property for Roads' Purposes***

The value of Real Property being purchased for road strip widening is dependent of several factors including:

- Usage of the existing property
- Size of the existing parcel of land
- Residential setback
- Damages for Injurious Affection

### ***6) Determination of Level of Compensation***

- a) Compensation paid to a Person for Real Property acquired by the County for roads related purposes shall be as set out in Schedule "A" attached hereto.
- b) Where deemed appropriate the Director of Transportation or his designate is hereby authorized to negotiate beyond the approved schedule, without prejudice, on an individual basis and no negotiation shall be binding on the County until reported to the Standing Committee for its consideration and endorsement by County Council.



Schedule "A" to Acquisition of Land Procedure G-GEN-003-002

Type of Compensation	Compensation		Comments
	All municipalities except Town of Blue Mountains	Town of Blue Mountains	
Road Widening as a condition of severance or minor variance	\$2.00	\$2.00	Condition of severance or minor variance
Road widening – standard 5 met res (17 foot) parcel – 0.08 hectares (0.2 acres) of frontage and greater	\$ 12,600/hectare (\$5,100.00/acre) or \$6.50 per running metre	\$ 18,525/hectare (\$7,500.00/acre) or \$9.50 per running metre	
Road widening – standard 5 metre (17 foot parcel – less than 0.08 (less than 0.2 acres) of frontage	\$1,000	\$1,000	
Fence Allowance	\$12.00 per metre	\$12.00 per metre	To be provided for relocation of an existing "good condition" farm fence. A "good condition" fence is defined as one that is capable of holding livestock and will be at the discretion of County staff
Daylight Corners – measurement of 15	\$200.00	\$200.00	The \$200 flat rate is in addition to the road

Type of Compensation	Compensation		Comments
	All municipalities except Town of Blue Mountains	Town of Blue Mountains	
metres (50 feet) adjacent to an intersecting road			widening paid per metre noted above.
Tree Compensation	Tree planting to maximum of \$1,500	Tree planting to maximum of \$1,500	To be negotiated by the Director of Transportation Services and his/her designate.