

Addendum to 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: July 22, 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: Recommendation adopted by Committee as amended per Resolutions PCD91-14 – PCD93-14; Endorsed by County Council August 5, 2014 per Resolution PCD115-14;

Recommendation(s)

WHEREAS Report PDR-PCD-19-14 was presented to the Planning and Community Development Committee on May 20, 2014 which outlined various options for acquiring road widening through the consent process;

AND WHEREAS the Planning and Community Development Committee referred the matter back to staff to provide further information based on Committee's discussions;

AND 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 the Addendum to 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 with compensation/no compensation being provided for the acquired lands in accordance with Option X as identified in the Addendum to

Report PDR-PCD-19-14, with any exceptions to this policy having to be considered and approved by County Council;

AND THAT the references to acquiring road widening as part of a minor variance be removed from the Acquisition of Land Procedure G-GEN-003-002;

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

[Report PDR-PCD-19-14](#) was presented to the Planning and Community Development Committee on May 20, 2014 which outlined various options for acquiring road widening through the consent process. The Planning and Community Development Committee referred the matter back to staff to provide further information based on Committee's discussion. Part of the discussion was whether or not compensation should be provided for either the severed or retained portions, and Committee requested information on how much the compensation would cost based on past severance applications. Committee also inquired as to whether or not local municipalities were acquiring road widening through the consent process and whether or not this matter could be considered alongside the Transportation Master Plan.

Compensation Options

One of the discussion items identified by Committee on May 20, 2014 was whether or not compensation should be provided for the severed and/or retained parcels and if so how much the compensation would cost on an average annual basis.

Staff performed some research by looking at consent applications proposed along County roads over the previous 3 years. The following are some statistics based on that research:

Lot Additions	2011	2012	2013	Average
Retained Frontage (m)	288.3	622.9	1552.4	821.2
Severed Frontage (m)	43.7	12.9	454.6	170.4
Total Frontage (m)	332	635.8	2007	991.6

New Lots	2011	2012	2013	Average
Retained Frontage	3983.4	2807.1	4482.5	3757.7
Severed Frontage	2349.5	1535.3	2349.5	1824.8
Total Frontage	5573	4342.4	6832	5582.5

Lot Additions and New Lots	2011	2012	2013	Average
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Total Retained Frontage	4271.7	3430	6034.9	4578.9
Total Severed Frontage	1633.3	1548.2	2804.1	1995.2
Total Frontage	5904.9	4978.2	8839	6574

Based on the above table, the total average retained frontage for both lot additions and new lots was 4,578.9 metres per annum over the previous three years. The total average severed frontage was 1,995.2 metres per annum. The total average frontage (both severed and retained) was 6,574 metres per annum. Assuming that a depth of 5.2 metres was acquired for road widening purposes, the following table outlines the total hectares that would have been acquired as well as the possible compensation costs using the compensation values identified in Schedule 'A' of Procedure G-GEN-003-002:

Lot Additions and New Lots	Average (metres)	Road Widening – average x 5.2 metres/10,000 (hectares)	Possible Compensation based on \$12,600 per ha or \$18,525 in Town of The Blue Mountains (TBM)
Total Retained Frontage	4578.9 m	2.38 ha (TBM – 0.25 ha)	\$31,469.25
Total Severed Frontage	1995.2 m	1.04 ha (TBM – 0.16 ha)	\$14,052
Total Frontage	6574 m	3.42 ha (TBM – 0.42 ha)	\$45,580.50

The following are some options that could be considered for providing compensation for the acquisition of road widening through the consent process:

- 1) Provide no compensation
- 2) Provide compensation on the retained parcel only for both lot additions and new lots – this would cost approximately \$31,500 per year on an average basis
- 3) Provide compensation on the severed parcel only for both lot additions and new lots - this would cost approximately \$14,000 per year on an average basis
- 4) Provide compensation on both the severed and retained parcels for both lot additions and new lots – this would cost approximately \$45,600 per year on an average basis (2013 was the highest total frontage in the past 3 years and this would have cost approximately \$58,000 in 2013)
- 5) Provide compensation for both the severed and retained parcels for new lots and compensation for the retained parcel for lot additions – this would cost approximately \$42,000 per year on an average basis
- 6) Provide compensation for the retained parcel only for new lots – this would cost approximately \$26,000 per year on an average basis

It should be noted that the severance activity that occurred between 2011 to 2013 does not necessarily represent the largest severance activity years and therefore the numbers are likely on the low side. As such the cost for acquiring road widening could indeed be higher than this three year average should Committee choose to go with a compensation option.

There are of course other options for providing compensation but ultimately it will depend on whether Committee wishes to acquire road widening for both the severed and retained portions for new lots and/or lot additions and whether or not compensation should be provided.

Staff asked local municipalities whether or not road widening was acquired through the consent process and whether it was obtained on both the severed and retained parcels. To date we have heard back from six of the nine local municipalities. Four out of the nine local municipalities have indicated that they do not have a policy with respect to this matter and that road widening is requested as needed. One municipality acquires the road widening on both the severed and retained as needed, and another municipality obtains the road widening on the severed parcel only.

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. As noted by the Director of Transportation Services at the May 20, 2014 meeting, road widening is also necessary to accommodate bridges and culverts and to perform other maintenance. Although the County obtains ownership of the road widening, the County typically does not make any changes to the acquired property unless required. It can also be argued that the need for road widening on County roads is much greater than local roads as the standards for County roads are higher and typically the traffic demands are greater. Therefore different standards for the acquisition of road widening on County roads versus local roads can be expected.

One of the suggestions at the May 20, 2014 Committee meeting was to consider this matter alongside the Transportation Master Plan. Although the acquisition of road widening may be linked to some of the recommendations being considered as part of the Transportation Master Plan (e.g. Road Rationalization, Primary/Secondary Truck Routes, etc.), the acquisition of road widening is somewhat a separate topic.

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.

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 parcels. 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.

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.

The following options and considerations were presented to the Committee on May 20, 2014:

- 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.

There are other combinations of options available. Committee needs to decide which option to recommend and whether or not compensation should be provided based on the options identified earlier in the Report.

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. Staff performed some further research and it appears that the County of Brant provides compensation for the acquisition of road widening on the retained parcel for lands presently zoned Agricultural. The compensation provided includes paying for the cost of the survey, the approximate market value as established by the County, and the cost for registration of the deed. For lands that are zoned other than Agricultural, no compensation is provided.

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. County staff are also recommending that any references to minor variances be removed from the current policy and procedure. 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.

Should it be decided that compensation be provided for the acquisition of road widening as part of the severance process, funds to acquire the property in 2014 could be funded from any surplus realized in the 2014 Transportation Services budget. If a surplus is not realized, any 2014 compensation costs could come from the One Time Funding Reserve. A line item would need to be included in the 2015 budget on a go forward basis if it is decided that compensation should be provided.

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.