

Grand River Conservation Authority Land Disposition Policy



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Introduction

The Grand River Conservation Authority (GRCA) owns and manages approximately 19,900 hectares of land within the Grand River watershed which were acquired through purchase, donations and expropriation over the last 80 years. These properties vary in significance and use. The public benefits of these properties include public safety, protection of ecologically significant features, and recreation. In many cases, the province contributed financially towards the property acquisition and development.

GRCA lands were acquired for the following reasons:

- Water Management - lands for dams/water management reservoirs, erosion control projects and dykes,
- Natural Heritage - lands that are environmentally sensitive (e.g. Provincially Significant Wetlands, Areas of Natural and Scientific Interest, source areas),
- Forested Lands - managed forests, Carolinian Canada forests,
- Natural Hazards - lands that are unsafe for development (e.g. steep slopes, floodplains),
- Recreational Lands - lands that are used for recreation (e.g. conservation areas, rail-trails),

Changing watershed priorities, legislative and regulatory amendments and changes, and increased land ownership challenges have resulted in the GRCA reassessing their property holdings. The GRCA may consider some properties surplus and no longer economically feasible for the GRCA to continue ownership of these properties.

As required under the Mandatory Programs and Services Regulation (686/21), the GRCA has developed a Disposition Policy.

Purpose and Intent

This policy provides a framework to guide the sale and disposition of GRCA property, ensuring that GRCA fulfills its obligations to all parties that may be impacted by the transaction.

The policy intends to ensure that the sale and disposition of GRCA property are undertaken consistently, transparently, and effectively, with appropriate consultation and accountability to align with GRCA's strategic direction, core values, and regulatory and legislative requirements.

Legislative Framework

The *Conservation Authorities Act RSO 1990 C.27*:

- Section 20 describes the objects of a Conservation Authority to provide, in the area over which it has jurisdiction, the mandatory programs and services (Category 1), municipal programs and services (Category 2) and any other programs or services the GRCA Board decides are appropriate (Category 3).
- Section 21 lists the powers that Conservation Authorities have to accomplish their objectives.
- Section 21 (1)(c) gives the GRCA the power to sell, lease or otherwise dispose of land.
- Section 21(1)(d) gives the GRCA the power to lease acquired land for a term of five (5) years or less without notification to the Minister.
- Section 21 (2) requires the GRCA to provide notice of the disposition of lands that were acquired through Section 39 funding to the Minister
- Section 21 (4) and (5) outlines requirements for the GRCA to conduct public consultation on the disposition of lands that were acquired through Section 39 funding for a minimum of 45 days
- Section 21 (6) provides exemptions to public consultation and Ministerial notification for municipal/provincial/federal dispositions related to infrastructure or utility purposes where the municipal/provincial/federal agency has board/council/commission has approved the acquisition, and the Minister is informed.
- Section 21 (7) requires that within 90 days of receiving the notice of disposition, the Minister may direct the GRCA to apply a specified amount of the proceeds of the disposition to support Category 1 Programs and Services.

Ontario Regulation 686/21: Mandatory Programs and Services outlines the following:

- Section 9(2), Programs and Services provided by an authority with respect to the conservation and *management of lands... shall include the following:*
 - vi. the development of one or more policies governing land acquisitions and land dispositions.*

Land Disposition Policies and Procedures

1.0 General Policies

- 1.1 The disposition of property must fulfill the objects of the GRCA in compliance with the Conservation Authorities Act and other applicable provincial policies and guidelines.
- 1.2 The disposition of property shall not negatively impact Provincially Significant Conservation Lands or Ecologically Sensitive Lands (as defined under MNR provincial policy (1997)). Where Provincially Significant Conservation Lands and/or Ecologically Significant lands may be affected, mitigative measures shall be implemented to protect those features.
- 1.3 The disposition of property shall be determined on a case-by-case basis.

- 1.4 The terms of the original acquisition shall be reviewed for compliance and consideration.
- 1.5 Leases and any renewal shall generally be less than five (5) years. Leases over five (5) years are considered a disposition of property and may require notification to the Minister. Leases will not exceed twenty (20) years.
- 1.6 The party initiating the proposal will bear the costs of investigating the feasibility of a property disposition, including the reference plan and Appraisal unless otherwise approved by the Manager of Conservation Lands.
- 1.7 If the GRCA acquired the property through expropriation after December 20, 1968, then Section 42 of the *Expropriation Act* applies, and the GRCA must give the original owners the first opportunity to reacquire the land or obtain the Minister's consent for the proposed disposition to another party.
- 1.8 The property for disposition must be accurately defined by a deposited reference plan completed by a Registered Ontario Land Surveyor. The registered plan should be no more than five (5) years old at the time of disposition.
- 1.9 Once the scope of the property is defined by a reference plan, an Appraisal shall be completed for the property with an estimated value exceeding \$50,000. The appraisal shall be for fair market value. For infrastructure and utility purposes, an appraisal is not required for proposed nominal dispositions to municipalities, provincial, and federal government agencies.
- 1.10 If required, proposed property dispositions shall be circulated to the partner municipality, provincial and federal agencies, and any "broader public sector organization" as defined in the *Broader Public Sector Accountability Act*, 2010, SO 2010, c 2, as amended, notifying them of the GRCA's intent to declare the property surplus and identifying partners' interest in acquiring the land. Partners will be given ample time to consider their interests. The scope of the notification will be confirmed by the Manager of Conservation Lands. Staff can proceed to an Open Process if no partner identifies interest in the property.

2.0 Open Process Policy and Procedures

- 2.1 Except for transfers to municipalities, utility companies, the province or provincial agencies, GRCA property to be disposed of in fee shall first be Declared Surplus by the GRCA Board, and approval shall be obtained to offer the Lands for Disposition.
- 2.2 GRCA property to be disposed of shall first be declared surplus by the GRCA Board, and approval shall be obtained to offer the Lands for Disposition.
- 2.3 The Open Process will begin once the property has been declared as surplus.
- 2.4 Adjacent landowners, the public, and other agencies shall be given reasonable notification about all proposed property dispositions. Any disposition of property that will be offered to the public shall be advertised through an Open Process.
- 2.5 Subject to applicable exemptions, the property shall be advertised on the open market for at least two weeks before accepting any offers or submissions.
- 2.6 Where an Open Process has resulted in competing offers, GRCA staff shall recommend the offer that represents a combination of the highest value and the best terms and conditions for GRCA.
- 2.7 Once an acceptable offer has been received by staff, a conditional Agreement of Purchase and Sale (APS) is prepared and executed by GRCA staff and the buyer. Among other project-specific conditions deemed necessary, property dispositions are (with certain exceptions) conditional on:

- a. Approval of the offer by the GRCA's General Membership; and,
 - b. Notification of the disposition by the Minister of Natural Resources
- 2.8 Staff will prepare and present a report to the Board to summarize all offers received and a resolution to begin the 45-day public consultation period for the best offer with a draft transaction notice for board approval and public notification. Details of the draft notice and public notification are identified in GRCA Board report #GM-05-23-25. The report will be received and considered in closed session, with all resolutions taking place in open session.
- 2.9 Once the 45-day public consultation is completed, staff will prepare and present a report to the Board summarizing public comments received and how they were considered. The report will also include a recommendation for the Board to approve the disposition. The report will be received and considered in closed session, with all resolutions taking place in open session.
- 2.10 Should it be required, staff will then prepare a notification package for the Minister that is in conformance with the *Conservation Authorities Act* and the MNR (1997) Policies and Procedures for the Disposition of Conservation Authority Property and Policy and Procedures for the Treatment of Conservation Authority Generated Revenue. If there are no comments from the Minister 90 days after the notification package is submitted, staff will proceed to finalize the land disposition.

3.0 Exemptions from the Open Process

The following are exemptions to the Open Process for disposition:

- a) Dispositions to municipalities or any "broader public sector organization" as defined in the Broader Public Sector Accountability Act, 2010, SO 2010, c 2, as amended;
- b) Where the property is landlocked or not separately viable and is proposed to be sold or leased to adjacent property owners;
- c) Where land is being exchanged where GRCA is acquiring other lands in interest;
- d) Where the property is required to re-establish access to property severed by road alignment or closure;
- e) If lands were acquired by the GRCA through expropriation or donation, lands being disposed to the original or subsequent owners; or
- f) If otherwise required through contractual or legislative requirements.

4.0 Revenue Generated through disposition of GRCA-owned property

- 4.1 Revenue generated through the disposition of GRCA-owned property may, unless otherwise directed by the Minister, be held in a capital reserve for future use on capital projects, subject to notification and approval to the MNR. This reserve will be called the Land Sale Reserve.
- 4.2 The Land Sale Reserve funds can be allocated to GRCA projects related to:
- acquisition of Provincially Significant Conservation Lands or managed/Agreed Forests
 - major maintenance of flood control structures
 - acquisition of other ecologically sensitive lands. This includes valley lands, hazard lands, other wetlands, headwater recharge and discharge areas, forested areas or any other lands which support provincial interests identified within the new provincial policy statement. This does not include land where the primary purpose is recreation or the generation of revenue.
 - hazard land mapping in support of plan input or regulation programs
 - flood and erosion capital projects and related studies
 - watershed/subwatershed management plans, which are inter-municipal in scope.