

Develop with Care

Protection and Conservation Tools

E

Environmental Guidelines for Urban and Rural Land Development in British Columbia

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Appendix E

PROTECTION AND CONSERVATION TOOLS

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Appendix E: Protection and Conservation Tools

This section provides a very brief summary of some conservation tools. Professional advice (including legal advice where necessary) and additional detail should be sought before entering into any agreements.

Tools for the protection and conservation of natural areas fall into five categories:

- ♦ Land acquisition
- ♦ Planning tools
- ♦ Incentives
- ♦ Landowner stewardship
- ♦ Landowner agreements

For more detail on these tools, and examples of how they are applied, see *Securing Private Lands for Biodiversity Conservation* (Abrams and Gardner 2006), [The HAT Manual: Protecting Natural Areas in the Capital Region](#) (Habitat Acquisition Trust 2004) and [Keeping it Green: A Citizen's Guide to Urban Land Protection](#) (Evergreen 2005).

E.1 LAND ACQUISITION

The most effective way to protect a natural area may be to purchase the land outright.

E.1.1 Acquisition by Local Government

Local governments may acquire land in several ways:

- ♦ During subdivision of more than three lots, the municipality can require a developer to provide for up to 5% of the site for parkland (or provide a cash equivalent into the park acquisition fund). The developer can voluntarily provide more than 5%.
- ♦ Local governments may negotiate for larger park/greenspace donations in return for other development concessions.
- ♦ The local government may purchase lands outright using park acquisition funds or other monies.
- ♦ Local governments may jointly purchase land with another agency, such as land trust organizations or other levels of government.
- ♦ Private landowners may donate their land to a local government, and qualify for a tax credit (see **Section E.3.2: Incentives**). Some landowners negotiate the right to stay on the land for their lifetime, with the property passing to the local government after their death.



E.1.2 Acquisition by Senior Government Agency

- ♦ Land may be donated or returned to the provincial Crown (i.e., the provincial government). This can include riparian areas, land surrounding nest trees, and other environmentally valuable resources.
- ♦ The federal and provincial governments purchase or acquire land from time to time as parks, ecological reserves, etc. The area in question must have outstanding ecological or other values to be worthy of consideration.

E.1.3 Acquisition by Land Trusts or other Non-government Organizations

- ♦ Lands may be purchased by land trust organizations, sometimes in conjunction with local or senior governments. These lands may be managed by the land trust, or transferred to an appropriate government agency for long term management (usually with a conservation covenant attached to the land title).
- ♦ Lands may be given to land trust organizations. The donor would qualify for tax breaks as an Eco-gift (see **Section E.3.2: Incentives**).
- ♦ The Province of British Columbia supports third party acquisition of important habitats through the Habitat Conservation Trust Fund (<http://www.hctf.ca/hctf.htm>) and other funding sources.
- ♦ The Province of British Columbia has also contributed to the development of the B.C. Trust for Public Lands. This trust fund is administered by the B.C. Conservation Lands Forum, a joint non-government organization–government initiative, to acquire lands for biodiversity conservation. For more information see <http://www.naturetrust.bc.ca/releases.php?id=5>.

E.1.4 Acquisition of Partial Interest

Local governments or conservation organizations may acquire only a partial interest in the land.

- ♦ Easements and rights of way are usually used for utility corridors, but could also be acquired for parkland, trails, or wildlife corridors, with the landowner's consent.
- ♦ 'Profits à prendre' is the right to enter land owned by another and to take something off the land. It has been used for conservation purposes, where a landowner gives the right to log their land to a conservation organization. The conservation group choose not to log, but as they hold the timber rights they can prevent others from logging the property.
- ♦ Some or all of a property may be leased or licensed to a conservation organization that manages the area for its natural values.

E.2 PLANNING TOOLS

Local governments can use policies and bylaws to protect natural areas:

- ♦ Zoning regulations may protect natural areas. For example zoning may designate building setbacks (e.g., from a stream or other environmentally valuable resource), and establish



comprehensive development zones for large sites with guidelines for environmental protection.

- ◆ Sometimes very low density zones are used to protect natural areas, as typically only a small portion of the lot is developed. However, low density developments also contribute to rural sprawl, and there is no guarantee that the landowner will not log or otherwise modify the natural vegetation of the property. This is usually only a successful strategy if conservation covenants are placed in the undeveloped parts of the properties.
- ◆ Public lands may be zoned as parks. Setting aside a natural area as a ‘municipal park’ has to be carefully planned, as ‘municipal parks’ also include playing fields, playgrounds and other activities that can conflict with habitat protection. Some municipalities have created a special category for ‘natural parks’ where habitat retention is the primary goal, and some are placing conservation covenants on the park to ensure that future councils protect the natural values.
- ◆ Official community plans can establish development permit areas (DPAs) with specific guidelines for development. DPAs do not prevent development, but they can help to control *how* development occurs.
- ◆ Subdivision proposals are examined and approved by approving officers. An approving officer may refuse to approve the subdivision if it is ‘not in the public interest’ (e.g., where a proposed development would destroy environmentally valuable resources).
- ◆ Local governments can pass a variety of bylaws that can be used to protect natural features including
 - ▲ tree protection bylaws
 - ▲ soil deposit and removal bylaws
 - ▲ animal control bylaws
 - ▲ landscaping bylaws
 - ▲ watercourse protection bylaws.

E.3 INCENTIVES

E.3.1 Incentives to Develop in the Least Sensitive Areas

Local governments can make it more attractive for developers to site developments away from environmentally valuable resources through the use of:

- ◆ Clustering. This benefits developers and local governments as the costs of putting in and maintaining infrastructure is cheaper than for sprawling developments.
- ◆ Density bonusing. A developer is allowed to increase the density of development on the site, in return for public amenities (such as greenspace) in other areas.
- ◆ Density transfer. Permitted density from land with environmentally valuable resources is transferred to another parcel of land.
- ◆ Alternative development standards. Standards such as narrower roads may allow more of the site to be set aside for habitat protection.



E.3.2 Economic Incentives

- ♦ Riparian tax relief. The *Local Government Act* provides for a property tax exemption for a landowner who conserves land along a watercourse or lake under a covenant.
- ♦ Assessment relief. For example, the Islands Trust Natural Areas Property Tax Exemption Program offers property tax reductions to landowners with a conservation covenant on their property (<http://www.islandstrust.bc.ca/>).
- ♦ Ecological Gifts. ‘Eco-gifts’ are gifts of full title to a property, or the value of a conservation covenant. Landowners can receive federal and provincial tax relief for donations of environmentally sensitive areas and for conservation covenants (http://www.cws-scf.ec.gc.ca/ecogifts/intro_e.cfm).

E.4 LANDOWNER AGREEMENTS

Landowners can enter into informal or legal agreements with others to protect natural values on their property.

- ♦ Handshake agreements. Landowners may enter agreements with a conservation organization that will protect or manage the land in certain ways (e.g., removing invasive species). For a list of land trust organizations, see <http://www.landtrustalliance.bc.ca/members.html>. For a list of conservation and environmental organizations in Canada, see http://www.ec.gc.ca/links/link_assoc_e.html.
- ♦ Management agreements. These are more formal agreements with a simple written contract to manage the land in certain ways. This type of agreement is not binding on future owners. For more information see *Stewardship Options: A Guide for Private Landowners in British Columbia*.
- ♦ Conservation covenants. This is a voluntary legal agreement that allows landowners to permanently protect specified natural and/or cultural features of the land, while still retaining ownership and use. It can cover all or part of a parcel of property. These covenants run with the title of the land and are binding of future landowners. Local governments, some conservation organizations and land trusts are eligible to hold conservation covenants. Conservation covenants are an increasingly popular tool, but have to be well written and regularly monitored to be effective. There are many excellent references on conservation covenants (see **Bibliography**).

E.5 STEWARDSHIP

There are many things individual landowners can do to help protect natural areas on their property or in their region.

- ♦ Stewardship of land. There are many stewardship programs such as *Living by Water* (<http://www.livingbywater.ca/>) which provide advice to landowners on ways to take care of natural values on their properties.
- ♦ Naturescaping. By going ‘natural’, landowners can provide food sources for native species and reduce the risk of introducing invasive alien species into neighbouring habitats. For more



information on the Naturescape program see
<http://www.env.gov.bc.ca/hctf/naturescape/about.htm>.

- ◆ Stewardship groups. There are many local groups who have formed 'Friends of' or similar community based groups to help protect and restore streams and other natural areas. Popular roles include the removal of invasive species, stream restoration, and tree-planting.

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