



**TLC**

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**The Land Conservancy  
of British Columbia**

# Conservation Covenants

## Benefits and Examples from the Land Conservancy of BC

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## Presentation Outline

- Introduction to TLC The Land Conservancy of BC, and conservation covenants from a Land Trust perspective
- Benefits to Landowners for registering covenants on their land, followed by examples
- Potential benefits to real estate developers using conservation covenants, followed by examples
- Challenges and lessons learned

## TLC The Land Conservancy of BC

- Non-profit, democratic land trust working throughout BC
- Protect special places with natural, cultural or agricultural heritage
- Involved with approximately 300 projects since 1997
- Modeled after the National Trust in the UK
- TLC holds covenants on over 200 properties



# Introduction to Conservation Covenants

- Conservation covenants from a land trust perspective
- Covenants based on the West Coast Environmental Law template, as presented in “Greening Your Title: A guide to best practices for Conservation Covenants
- Protect significant ecosystems or cultural heritage values
- Often held by two land trusts, or a land trust and local government
- Most land trusts require a second holder

## Benefits to Landowners

- Often a philanthropic motivation and benefit of peace of mind
- Retain private ownership within the restrictions
- Flexible documents
- Ecological Gifts Program
  - Landowners registering covenants on their land can receive a tax benefit under the program
- Property tax benefits
  - Sometimes a conservation covenant can significantly reduce the value of your property, and therefore the assessment
  - Property tax reduction through the Natural Areas Protection Tax Exemption Program in the Islands Trust Area

# Clayoquot Island

- Covenant ecological gift off Tofino in Clayoquot Sound
- Owner wanted to see the land protected, and received significant tax benefits
- Covenant valued at over \$4 million, largest single gift received by TLC
- Protects 38 hectares of forest including old growth forest, second growth forest, historic Japanese Village site
- Island also has significant sand dune ecosystems and is a stop for Brant Geese



# Masters Greenway and Wildlife Corridor

- Ruth Masters donated 18 acres to the Comox Valley Regional District
- Registered a conservation covenant with the Comox Valley Land Trust and TLC in order to ensure long term protection as a nature park
- Provides protection for a stream, small wetland, bluff along the Puntledge river, and mature mixed forest

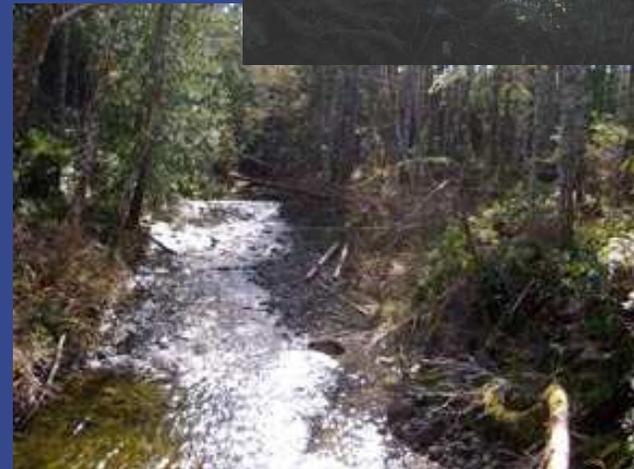


# Conservation Covenants and Development Projects

- Potential benefits to developers using conservation covenants in partnership with land trusts
  - May allow for development approvals adjacent to sensitive ecosystems
  - Some covenants in new developments may be a selling feature, i.e. privacy, conservation values
  - Covenants in one area may allow for increased density in another area or assist in approval process

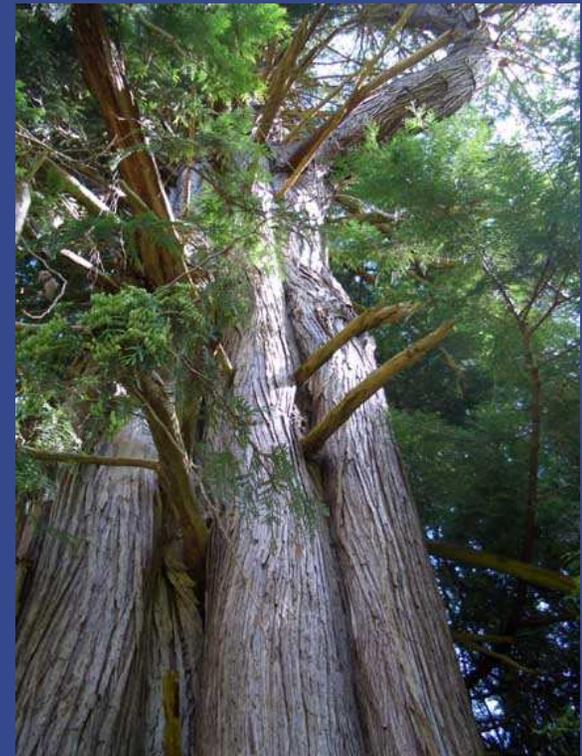
## DeMamiel Estates

- Residential development in Sooke along the DeMamiel River and Rocky Creek (26 lots in three phases), both with multiple salmonid species
- Registered a conservation covenant, co-held with the Capital Regional District to protect the riparian area
- Featured as a case study in the ‘Develop with Care’ guidelines by MOE
- Protected slightly more area than required under the Riparian Areas Regulation
- Monitoring will ensure the riparian remains protected



## Siskin Lane

- Residential development on Cortes Island, 23 strata lots, 2 fee simple lots and 40 hectare Forest Conservation Area (common property)
- Forest Conservation Area includes a community trail maintained by the Regional District
- Allows some harvesting of timber
- Beneficial partnership between conservation-friendly developer and TLC
- Covenant helped the community welcome the development



# Covenant Challenges and Lessons Learned

- Funding challenges - minimal funding available, especially for ongoing monitoring, now require endowments for most covenants
- Landowners not understanding the terms of the covenant, especially second generation owners, important to be proactive when new property changes hands
- Violations - major and minor
  - important to monitor regularly and maintain records in case of violation
  - maintain good relationships with landowners



# Covenant Challenges and Lessons Learned

- Developers must want to do covenant, rather than being forced into the arrangement, seen as a partnership then adversarial relationship
- Covenants on common property much less labour intensive
- Well-written, clear covenant documents is critical
  - ensure restrictions are specific and not open to interpretation
  - recently introduced new clauses for administration fee and meeting provisions

## Conclusions

- Many benefits available for landowners who wish to covenant their land
- There are opportunities for the development community to work with land trusts to protect land within a development
- Land trusts need to be cautious - ensure funding in place and documents are will written



Questions?